E. 3. 54

Mr Cowell (very an eminent Civilian of his day) Regius Prof. of Civil Law at Cambridge & Master of Trinity Hall & Vicar-general to the Abp of Canterbury —

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A

LAW Dictionary:

OR THE

INTERPRETER

OF

WORDS and TERMS,

Used either in the

Common or Statute Laws

OF

GREAT BRITAIN,

AND IN

Tenures and Jocular Customs:

First Published by the Learned Dr. COWEL, and in this Edition very much Augmented and Improved, by the Addition of many Thousand Words, found in our Histories, Antiquities, Cartularies, Rolls, Registers, and other Manuscript Records.

WITH AN

APPENDIX,

Containing Two TABLES; one of the antient Names of Places in *Great Britain*, and the other of the antient Surnames; Both of them very necessary for the Use of all such, as converse with antient Deeds, Charters, *&c.*

In the *SAVOY:*

Printed by E. and R. NUTT, and R. GOSLING, (Assigns of *E. Sayer*, Esq;) for J. Walthoe, B. Lintot, R. Gosling, W. Mears, W. and J. Innys, J. Osborn, T. Woodward, F. Clay, R. Williamson, A Ward and D. Browne. MDCCXXVII.

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of the subject —

See 1 Kent's Comm 2nd ed 508
see Brief of emin Lawyers 417 notes 10 p 40
see 2 Rap Eng 176 n 6
see 11 Law & Lawyers 1641 p 184 n *

JUL 15 1911

THE PREFACE.

THERE is only this Juſtice due to the Reader, to give a plain Account of the firſt Author, and of the preſent Improvements of this Work.

The firſt Author was Dr. John Cowel, *born in* Devonſhire, (a) *and bred at* Eaton *School, where by good Parts and agreeable Induſtry, he diſtinguiſhed himſelf from other Boys, and appeared worthy to be elected a Scholar of* King's *College in* Cambridge, 1570. *poſſibly committed to the Tuition of his Name-ſake and Relation* John Cowel, *Fellow of that Houſe, who had been one of the Univerſity Proctors in the Year* 1561. (b) *Our Author ſeems here to have applied himſelf heartily to Books, and a good Digeſtion of them. By which ſtudious and virtuous Courſe of Life, he grew up to ſo much Reputation and Intereſt in the Univerſity, that he had the Honour to be choſe one of the Proctors for the Year* 1585. *And having paſt the two Degrees in Arts, he applied himſelf to the Study of the Civil Law, by the Advice and Importunity of that eminent and active Prelate* Richard Bancroft, *then Biſhop of* London; (c) *who had Judgment to find the Genius of our Author, and knew the great Neceſſity our Church was in, to have Men of Abilities and Integrity in that Profeſſion. Being regularly admitted to the Degree of Doctor of Laws in his own Univerſity; he made a Viſit to* Oxford *in the Year* 1600, *where he was incorporated by the ſame honourable Title* LL. D. (d) *His Reputation was now ſo eſtabliſhed, that the Government thought it Juſtice to prefer him: He was made the King's Majeſty's Profeſſor of the Civil Law in the Univerſity of* Cambridge; *and near the ſame Time Maſter of* Trinity-Hall; *which two Stations in that Place of Reſidence, had as much Honour and Profit, as were poſſible to be there beſtowed on a Man of that Profeſſion. He executed the Office of Vice-Chancellor of* Cambridge 1603, 1604.

His chief Patron Biſhop Bancroft *was advanced to the See of* Canterbury *in* Decemb. 1604. *where projecting many Things for the Intereſt and Honour of the Church and State, he knew the greateſt Art in promoting publick Service, was to employ Men in their own Way. Upon this Motive, he ſolicited Dr.* Cowel (e) *to ſhew himſelf an Antiquary, and an uſeful Man, by giving the Interpretation of ſuch Words and Terms, as created moſt Difficulty to the Students of our Eccleſiaſtical, Civil, and Common Laws.*

The Doctor would not diſpute the Archbiſhop's Authority, nor excuſe himſelf from ſerving the Publick: And therefore fell upon the Work with ſo much Edge and Application, that in proper Time he put his Collections into fit Method, and publiſhed them in Quarto at Cambridge *under this Title:*

The *Interpreter*, or Book containing the Signification of Words: Wherein is ſet forth the true Meaning of all, or the moſt Part of ſuch Words and Terms, as are mentioned in the Law Writers, or Statutes of this Victorious and Renowned Kingdom, requiring any Expoſition or Interpretation. A Work not only

(a) Catal. Soc. Coll. Reg. Cantab. MS. (b) Faſti Cantab. MS. (c) Epiſt. Dedicat. to the *Interpreter*, 1607. (d) Wood Athen. Oxon. Vol. 1. p. 784. (e) Epiſt. Dedic. to *Interpreter*, 1607.

only Profitable, but Neceſſary for ſuch as deſire throughly to be inſtructed in the Knowledge of our Laws, Statutes, or other Antiquities. Collected by *John Cowel*, Doctor, and the King's Majeſties Profeſſor of the Civil Law in the Univerſity of *Cambridge*. *In legum obſcuritate captio.* At *Cambridge*, printed by *John Legate*, *Anno* 1607.

The Author thought it Juſtice and Gratitude to commend his Book to that Patron, by whoſe Advice and Encouragement he wrote it: And therefore prefixed this modeſt Dedication.

To the moſt Reverend Father in God, his eſpecial good Lord, the Lord Archbiſhop of Canterbury, *Primate and Metropolitan of all* England, *and one of his Majeſty's moſt Honourable Privy Council.*

"AFTER long Deliberation, I hardly induced my ſelf to crave your "gracious Protection toward this ſimple Work: Valuing it at ſo low a "Price, as I think it hardly worth the Reſpect of any grave Man, much leſs "the favourable Aſpect of ſo honourable a Perſonage. Yet the Remembrance "of thoſe your honourable Provocations, whereby, at my coming to your Grace "from the Univerſity, you firſt put me upon theſe Studies, at the laſt by a Kind "of Neceſſity inforced me to this Attempt; becauſe I could not ſee how well to "avoid it, but by adventuring the hateful Note of Unthankfulneſs. For I can-"not without Diſſimulation, but confeſs my ſelf perſuaded, that this poor Pam-"phlet may prove profitable to the young Students of both Laws, to whoſe Ad-"vancement that Way, I have of late addicted mine Endeavours; elſe were I "more than mad, to offer it to the World, and offer it without Mention of him, "that by occaſioning of this good, more or leſs, deſerveth the prime Thanks, "were to prove my ſelf unworthy of ſo grave Advice.

"And therefore howſoever I account this too much Boldneſs in reſpect of "the Subject, yet could I be exceedingly glad, it might pleaſe your Grace to "aſcribe mine Intention to the Integrity of my Duty. For he that meaneth "truly well, and cannot perform much, muſt needs rejoice at the good Accep-"tance of that little which he performeth.

"All I crave for this at your Grace's Hands, is Patience and Pardon for this "Enterprize, with the Continuance of thoſe your many Favours, that hitherto "to my great Comfort I have enjoyed. And ſo my long Obſervation of your "judicious Diſpoſition, having taught me, what ſmall Delight you take in af-"fected Complements, and verbal Commendation, without more Words, in all "true humbleneſs, I beeſeech the Almighty long to continue your Grace in "Health and Proſperity, to his Glory, and the good of his Church.

Your Grace's at all Commandment,

John Cowel.

He prefixed likewiſe to this Firſt Edition, a Preface to the Readers, which being omitted in later Editions, is the more proper to be now inſerted. Any Reader, that has a Reliſh in theſe Matters, will be content that firſt Draughts and Originals, ſhould be recovered and preſerved. To

The PREFACE.

To the READERS.

Gentle Readers, I here offer my ſelf to your Cenſures, with no other Deſire, than by you to be admoniſhed of my Faults. For though I do profeſs the Amplifying of their Works, that have gone before me in this Kind, and have both gathered at home, and brought from Abroad ſome Ornaments for the better Embelliſhing of our *Engliſh* Laws; yet I am neither ſo vain, as to deny my Imperfections, nor ſo paſſionate, as to be offended at your Charitable Reformation. Nay, my true End is the Advancement of Knowledge; and therefore have I publiſhed this poor Work, not only to impart the Good thereof to thoſe young Ones that want it; but alſo to draw from the Learned the Supply of my Defects: And ſo by Degrees, if not my ſelf to finiſh this Model, yet at the leaſt by the Heat of Emulation to incenſe ſome skilfuller Architect thereunto. Yea, I ſhall think my Pains ſufficiently recompenſed, if they may be found but worthy to ſtir up one learned Man to amend mine Errors.

The Civilians of other Nations have by their mutual Induſtries raiſed this kind of Work in their Profeſſion, to an unexpected Excellency. I have ſeen many of them that have beſtowed very profitable and commendable Pains therein: And laſtly one *Calvinus* a Doctor of *Heidelberge*, like a laborious Bee, hath gathered from all the Former, the beſt Juice of their Flowers, and made up a Hive full of delectable Honey. And by this Example would I gladly incite the Learned in our Common Laws and Antiquities of *England*, yet to lend their Advice, to the gaining of ſome comfortable Lights and Proſpects toward the beautifying of this ancient Palace, that hitherto hath been accompted (howſoever ſubſtantial) yet but dark and melancholy.

Whoſoever will charge theſe my Travels with many Overſights, he ſhall need no ſolemn Pains to prove them, for I will eaſily confeſs them. And upon my View taken of this Book ſithence the Impreſſion, I dare aſſure them that ſhall obſerve moſt Faults therein, that I by gleaning after him, will gather as many omitted by him, as he ſhall ſhew committed by me. But I learned long ſithence out of famous *Tulley*, that as no Man's Errors ought to be followed, becauſe he ſaith ſome Things well: So that which a Man ſaith well, is not to be rejected becauſe he hath ſome Errors. No Man, no Book is void of Imperfections. And therefore reprehend who will in God's Name, that is with Sweetneſs and without Reproach. So ſhall he reap hearty Thanks at my Hands; and by true Imitation of the moſt judicious that ever wrote, more ſoundly help on this Point of Learning to Perfection in a few Months, than I by toſſing and tumbling my Books at home, could poſſibly have done in many Years. Experience hath taught me in this my *Inſtitutes* lately ſet forth, by publiſhing whereof I have gained the judicious Obſervations of divers Learned Gentlemen upon them; which by keeping them private I could never have procured. By which means I hope one Day to commend them to you again in a more exact Purity, and ſo leave them to future Times for ſuch Acceptance as it ſhall pleaſe God to give them.

I have in ſome Towardneſs a Tract (*De Regulis Juris*) wherein my Intent is, by collating the Caſes of both Laws, to ſhew, that they both be raiſed of one Foundation, and differ more in Language and Terms than in Subſtance, and therefore were they reduced to one Method, (as they eaſily might) to be attained (in a Manner) with all one Pains. But my Time imparted to theſe Studies being but ſtolen from mine Employments of greater Neceſſity, I cannot make the Haſte I deſire, or perhaps that the Diſcourſe may deſerve. Wherefore until my Leiſure may ſerve to perform that, I intreat you lovingly to accept this.

One thing I have done in this Book, whereof, becauſe it may ſeem ſtrange to ſome, I think to yield my Reaſon, and that is the inſerting not only of Words belonging to the Art of the Law, but of any other alſo, that I thought obſcure, of what ſort ſoever: As Fiſh, Cloath, Spices, Drugs, Furs, and ſuch like. For in this I follow the Example of our Civilians, that have thought it their Part to expound any Thing they could meet with in their Walk. And indeed a Lawyer profeſſeth true Philoſophy, and therefore ſhould not be ignorant (if it were poſſible) of either Beaſts, Fowls, or creeping Things, nor of the Trees, from the Cedar of *Lebanon*, to the Hyſſop that ſpringeth out of the Wall. And therefore if I have either omitted any hard Word within my Circuit, or ſet it down not expounded, I give you good Leave to impute the one to my Negligence, the other to mine Ignorance, and ſo commend theſe my Pains to your beſt Profit, and you unto God. *Nov.* 3. 1607.

John Cowel.

The PREFACE.

At the Publication of this Book, the World was satisfied that nothing could more facilitate the Studies of the Law, than such a familiar Exposition of the obsolete Words and ambiguous Terms. And that no Method could be more proper to make it useful and serviceable, than to throw the Words into an Alphabet, and so make it a standing Glossary or Dictionary to consult upon all occasional Readings.

I know of no Offence, that was immediately taken at this first Edition: Tho' it was infinitely hard to speak of Prerogative, Property, Government, Laws, and mutual Rights, with that Caution and Regard, as not to make some to murmur, and others to insult; especially where Parties and their Passions were even then prevailing.

This Performance satisfied his Patron Archbishop Bancroft, *that he was a Man of Parts, Industry and Courage, truly capable of Trust and Office. And therefore in the following Year, upon the Death of Sir* Edward Stanhop, *Vicar-General to the Archbishop, departing this Life on the 16th* March, 1608. *His Grace conferred that Honourable Place on our Dr.* Cowel, (a) Contin. Hatchers Catal. MS. *who had practised before as an Advocate in the Arches. (a) In this Station he carried himself with that Fairness and Integrity, that Equity and Honour, as raised him no Enemies, and lost him no Friends. And if he was afterwards Invidious as a Writer, he was still blameless as a Judge: For when the warmest Objections were made against some Expressions of his Book, there was not a Word to be objected against his Administration of Justice.*

The greatest Offence and Provocation given by his Book was indeed this. He had spoke with too much Liberty and too sharp Expressions of the Common Law, and some eminent Professors of it. At this, the Gentlemen of that Robe thought themselves and their whole Faculty affronted. He had not spared the Oracle of the Law, Littleton. *He had recited* Hottoman's *Reflections on his Treatise of* Tenures, *and by so reciting them was thought to make them his own. This especially gave fire to Sir* Edward Coke *then Chief Justice of the Common Pleas, who was more particularly concerned for the Honour of* Littleton, *and valued himself for the Chief Advocate of his own Profession. There seems to have been another Reason that brought Dr.* Cowel *out of Favour with this Judge; within Two Years after the Publication of his* Interpreter, *Archbishop* Bancroft *grew sensible, that the Jurisdiction of the Spiritual Courts was perpetually obstructed by the Grant of Prohibitions from* Westminster-hall. *He thought the Discipline of the Church could not be effectually executed without redressing this Grievance. He found the ancient Practise of the Clergy of* England, *when called to attend in Parliament, was to draw up a modest Remonstrance of such Grievances, and to present them to the King, with Petition for Relief. And the King with Advice and Consent of his Council in Parliament, the Barons or House of Lords, did answer the Complaints and Requests in such Manner, as was most lawful and reasonable. Very many of these Precedents remain upon Record, and were commonly called* Articuli Cleri. *The Spiritual Commonalty, or Parliamentary Convocation, having in this respect a like Privilege with the Temporal Commons, to grant or refuse their Subsidies and Taxes, according as the King was pleased to oblige or deny their Petitions of Right. The Archbishop thought it proper to take a like Method in the present Case, and seems to have employed his Right Hand, Dr.* Cowel, *in drawing up those Reasons and Exceptions against the too frequent Grant of Prohibitions, which were delivered to the King in Time of Parliament, under the same Title of* Articuli Cleri; *the King ordered these Articles to be argued by the Judges, and their Arguments against them are printed by Judge* Coke *in his XII. Report, who had the chief Hand in them; and was now more and more incensed against Dr.* Cowel, *whom he took for a profest Enemy to the* Westminster *Courts, and therefore directly or obliquely reflects upon him in several Pages of his less accurate Works.*

But Paper Reproofs were too little Satisfaction; Sir Edward Coke *was of some Authority with the King, and had good Interest in the House of Commons: By these Advantages, he represents Dr.* Cowel *as an Enemy to both. He knew nothing would excite the King's Jealousy so much as to touch upon the Question of Prerogative, and therefore he suggests, that this Author had* disputed too nicely upon the Mysteries of this his Monarchy, nay in some Points very derogatory to the supream Power of his Crown. *(a) It was further represented to his Majesty, That this bold Writer had asserted, that his Royal* Prerogative was in some Cases limited, *(b) as if this could be any Offence to an* English *Monarch. And I suppose it passed for a common Report what a severe Author has delivered in his* Court and Character *of that Prince, that in the* Interpreter *it is said,* That King took not the usual Oath all Kings are bound unto at their Coronation. (c) *His thus incurring the Royal Displeasure, might*

have

(a) King's Proclamat. 25 *March* 1610. (b) Athen Oxon. Vol. 1. Col. 784. (c) *Anth. Weldon*, pag. 191.

have mark'd him out for Diſgrace and Ruin. But I believe the King was wiſe, and the Archbiſhop faithful; and ſo this Plot miſcarried.

Upon this Diſappointment, his Adverſaries (who knew how to bring in a Man guilty of Felony, when he was acquitted of Treaſon) turn the Tables, and reſolve to make him a Betrayer of the Rights and Liberties of the People, thinking this Accuſation would do more with the Parliament, than the other had done with the King. It is natural enough to imagine, that by giving Offence to both Parties, he meant no harm to either. Nothing can diſpleaſe Two oppoſite Sides, but Moderation.

However the Deſign againſt him was carried on in the Houſe of Commons by Men of Parts and Intereſt; and it came to this Iſſue, that the Author was committed to Cuſtody, and his Books were publickly burnt. I want Opportunity to conſult the Journal of the Two Houſes, but a Report from them is thus given by the Learned Mr. Petyt *in his* Miſcellanea Parliamentaria, *pag.* 64.

Anno 7 *Jacobi*, 1609. Dr. *Cowel* Profeſſor of the Civil Law at *Cambridge*, writ a Book called the *Interpreter*, Raſhly, Dangerouſly, and Perniciouſly aſſerting certain Heads to the Overthrow and Deſtruction of Parliaments, and the Fundamental Laws and Government of the Kingdom.

He was complained of by the Commons to the Lords, as equally wounded, who reſolved to cenſure his Errors and Boldneſs: But upon the Interpoſition of the King, who declared that the Man had miſtaken the Fundamental Points and Conſtitutions of Parliaments, promiſed to condemn the Doctrines of the Book as abſurd, and him that maintained the Poſitions; they proceeded no further. His Principles with the evident Inferences from them were theſe.

1. That the King was *ſolutus a Legibus*, and not bound by his Coronation-Oath.

2. That it was not *ex neceſſitate*, that the King ſhould call a Parliament to make Laws, but might do that by his abſolute Power; for *voluntas Regis* (with him) was *Lex populi*.

3. That it was a Favour to admit the Conſent of his Subjects in giving of Subſidies.

4. The Doctor draws his Arguments from the Imperial Laws of the *Roman* Emperors; an Argument which may be urged with as great Reaſon and upon as good Authority, for the Reduction of the State of the Clergy of *England* to the Polity and Laws in the Time of thoſe Emperors; as alſo to make the Laws and Cuſtoms of *Rome* and *Conſtantinople* to be binding and obligatory to the Cities of *London* and *York*.

I have no Authority, nor indeed Inclination, to contradict this Report of Mr. Petyt. *And I muſt confeſs theſe Poſitions are ſo groſs and intolerable, that no* Engliſh *Man would defend them or excuſe them. I mean if they are as groſs and poſitive in the Author, as they are in this Relation. But I think I have run over moſt Part of the Firſt Edition* 4to. 1607. *and find no ſuch abominable Aſſertions in Words at length; there be many Things too unadviſedly expreſt, which a wiſe Author would have omitted, and a wiſe Government might have deſpiſed. But alas, when a ſuſpected Book is brought to the Torture, it often confeſſeth all, and more than all it knows.*

However the King acted with Prudence and Honour in Iſſuing out his Royal Proclamation for ſuppreſſing the Book, and cenſuring the Writer. And becauſe it is the beſt Light of Hiſtory in this Matter, and but rarely ſeen, I ſhall here give the Whole.

A Proclamation touching Dr. *Cowel*'s Book, called the *Interpreter*.

THis later Age and Times of the World wherein we are fallen, is ſo much given to verbal Profeſſion, as well of Religion, as of all commendable Moral Virtues, but wanting the Actions and Deeds agreeable to ſo ſpecious a Profeſſion, as it hath bred ſuch an unſatiable Curioſity in

in many Mens Spirits, and such an itching in the Tongues and Pens of most Men, as nothing is left unsearched to the Bottom both in Talking and Writing. For from the very highest Mysteries in the Godhead and the most inscrutable Counsels in the Trinity, to the very lowest pit of Hell, and the confused Actions of the Devils there, there is nothing now unsearched into by the Curiosity of Mens Brains. Men not being contented with the Knowledge of so much of the will of God as it hath pleased him to reveal: But they will needs sit with him in his most private Closet and become privy of his most inscrutable Counsels. And therefore it is no wonder, that Men in these our Days do not spare to wade in all the deepest Mysteries that belong to the Persons or State of Kings and Princes, that are Gods upon Earth: Since we see (as we have already said) that they spare not God himself. And this Licence that every Talker or Writer now assumeth to himself, is come to this Abuse, that many Phormios will give Counsel to Hannibal, and many Men that never went of the Compass of Cloysters or Colleges will freely wade by their Writings in the deepest Mysteries of Monarchy and Politick Government: Whereupon it cannot otherwise fall out, but that when Men go out of their Element, and meddle with Things above their Capacity; themselves shall not only go astray and stumble in Darkness, but will mislead also divers others with themselves into many Mistakings and Errors; the Proof whereof we have lately had by a Book written by Dr. Cowel, called The Interpreter: For he being only a Civilian by Profession, and upon that large Ground of a kind of Dictionary (as it were) following the Alphabet, having all kind of Purposes belonging to Government and Monarchy in his way, by medling in Matters above his reach, he hath fallen in many Things to mistake and deceive himself: In some Things disputing so nicely upon the Mysteries of this our Monarchy, that it may receive doubtful Interpretations: Yea in some Points very derogatory to the supreme Power of this Crown: In other Cases mistaking the true State of the Parliament of this Kingdom, and the Fundamental Constitutions and Privileges thereof: And in some other Points speaking unreverently of the Common Law of England, and the Works of some of the most famous and ancient Judges therein: It being a Thing utterly unlawful to any Subject, to speak or write against that Law under which he liveth, and which we are sworn and are resolved to maintain. Wherefore upon just Considerations moving us hereunto, for preventing of the said Errors and Inconveniencies in all Times to come, we do hereby not only prohibit the Buying, Uttering, or Reading of the said Book, but do also Will and straitly Command all and singular Persons whatsoever, who have or shall have any of them in their hands or Custody, that upon Pain of our high Displeasure, and the Consequence thereof, they do deliver the same presently upon this Publication to the Lord Mayor of London, if they or any of them be dwelling in or near the said City, or otherwise to the Sheriff of the County where they or any of them shall reside; and in the Two Universities to the Chancellor or Vice-Chancellor there, to the Intent that further Order may be given for the utter Suppressing thereof. And because there shall be better Oversight of Books of all Sorts before they come to the Press, we have resolved to make Choice of Commissioners, that shall look more narrowly into the Nature of all those Things that shall be put to the Press, either concerning our Authority Royal, or con-

concerning our Government, or the Laws of our Kingdom, from whom a more ſtrict Account ſhall be yielded unto us, than hath been uſed heretofore.

Given at our Palace of *Weſtminſter* the 25*th* Day of *March*, in the Eighth Year of Our Reign, of *Great Britain*, *France* and *Ireland*. *Anno Dom.* 1610.

It is one of the Detections *of* Roger Coke, *Eſq*; *that this Proclamation* could not call in thoſe Books, but only ſeemed to make them more taken Notice of. *The only Truth that drops from that Gentleman in his Relation of this Matter: For how can he prove that Dr.* Cowel publiſhed his *Interpreter* the next Year after the 7*th* of the King, *when it was indeed the* 5*th of the King*? *How can he tell the Doctor wrote the Book* to ſupply the King's Neceſſities? *How does he know that he was* no Doubt ſet upon it by *Bancroft*, and thoſe called the Church? *Where does he find the Proclamation publiſhed during the Seſſion of Parliament, and that it* had not the deſired Effect of getting more Money, *when there was no ſuch Proclamation till three Months after the Diſſolution? Secret Hiſtory ſhould be wrote with a very good Memory.* Roger Coke *Eſq*; *was deſcended from the Lord Chief Juſtice, and ſo by Right of Inheritance had a Feud againſt Dr.* Cowel, *and by the ſame Hereditary Right was to be no good Hiſtorian*; *for that Oracle of the Law, was at leaſt no Oracle in Matters of Fact. His Opinions may be excellent, but his Stories are moſt of them Trifles and Falſhood.*

To return to our Author Dr. Cowel, *when he had thus felt the Diſpleaſure of the King, and the Indignation of the People*; *like a wiſe Man he took his Leave of the Preſs, and retired to his College and his private Studies, and lived inoffenſive and in good Repute, not averſe to ſerve the Publick, when he was called to any Advice or proper Service. Soon after he died upon the Operation of being cut for the Stone.*

A conſiderable Benefactor to the College of which he had been Fellow, to the Hall of which he had been Maſter, and to the Univerſity of which he had been Governour. He lies buried under the Altar in the Chapel of Trinity-Hall, *with this Inſcription, as I receive it with ſome other Notices from the Honoured Maſter, and a worthy Fellow of that Houſe.*

Johannes Cowel LL. D. Cuſtos hujus Collegii, Juris Civilis, in hac Academia Cantab. Profeſſor Regius, Vicarius Generalis Cantuarienſis Provinciæ ſub Domino Richardo Bancroft Archiepiſcopo Cantuarienſi, hic expectat Reſurrectionem. Obiit undecimo die menſis Octob. Anno Dom. 1611.

This condemned Book was known to be very uſeful, and therefore has been often reprinted, in the Reign of Ch. I. *under the Adminiſtration of* Cromwel, *and after the Reſtauration. But in all the later Editions, thoſe Paſſages that were dubious or offenſive have been corrected or omitted.*

Archbiſhop Laud, *who was to bear the Blame of every invidious Thing, was charged with giving Countenance or Connivance to an Impreſſion of this Work. Of which Act and Effort of Malice, his own Account is the beſt that can be given.* Hiſt. Troub. and Trial of Archb. *Laud.* p. 235.

Cap. XXIII. 2*d. Day Art.* IX. *Then was charged upon me the printing of Books, which aſſerted the King's Prerogative above Law*, &c. *The Inſtance was in Dr.* Cowel's Book *Verbo* (a) Rex. *That this Book was decryed by Proclamation*; *that Complaint was made to me, that this Book was printing in a cloſe Houſe without Licenſe, and by* Hodgkinſon, *who was my Printer*; *that I referred them to Sir* John Lamb; *that they came to me again, and a third Time, and I ſtill continued my Reference*; *which Sir* John Lamb *ſlighting, the Book came forth*; *the Witneſſes to this were* Hunt *and* Wallye, *if I miſtook not their Names.*

1. *For this Book of Dr.* Cowel's, *I never knew of it till it was printed, or ſo far gone on in Printing, that I could not ſtay it: And the Witneſſes ſay, it was in a* cloſe Houſe and without Licenſe, *ſo neither I nor my Chaplains could take Notice of it.*

2. *They*

(a) No ſuch Word there, ſure, it ſhould be *Prerogativa Regis.* W. S. A. C. (i. e.) a Note of *William Sancroft* Archb. of *Cant.*

2. *They say, they informed me of it, but name no Time, but only the Year* 1638. *But they confess I was then at* Croydon; *so being out of Town, (as were almost all the high Commissioners) I required Sir* John Lamb, *who being a High Commissioner, had in that Business as much Power as my self, to look to it carefully, that the Book proceeded not, or if it were already printed, that it came not forth. If Sir* John *slighted his own Duty and my Command (as themselves say) he is living and may answer for himself; and I hope your Lordships will not put his Neglect on my Account.*

3. *As for* Hodgkinson, *he was never my Printer, but* Badger *was the Man I employed; as is well known to all the* Stationers; *nor was* Hodgkinson *ever employed by me in that Kind or any other; upon just Complaint, I turned him out of a Place, but never put him into any: And therefore those Terms which were put upon me of* my Hodgkinson *and* my Sir John Lamb, *might have been spared; Sir* John *was indeed* Dean of the Arches, *and I employed him as other Archbishops did the* Deans *which were in their Time, otherwise no Way mine: And* Hodgkinson *had his whole Dependance on Sir* Henry Martin, *and was a meer Stranger to me. And this Answer I gave to Mr.* Brown, *when he summed up the Charge. Nor could any Danger be in the Printing of that Book to mislead any Man: Because it was generally made known by Proclamation, that it was a Book condemned, and in such particulars: But for other Things the Book very useful.*

As to the Additions and Improvements in this present Volume, all I pretend to is to augment the Work by the easy Addition of many Thousand Words, which neither Author nor Editors had before observed. And indeed a Work of this Nature is no more to be raised up in one Impression, than Rome *in one Day. What have all Sorts of Glossaries and Dictionaries been at the first projecting of them, but rude and modelling Draughts; but meer* Scaffolding *to carry up Materials, to build higher in due Time and Order.*

Yet I think I have not done, as many other Alphabet Writers, who have traded purely in transferring of Stock, and have picked out the Words of one Dictionary to insert into another. I have indeed thrown in from Du Fresne, *&c. most of those Words that bear Relation to* English *Laws and Customs; but then I have explained them with more Familiarity, and confirmed them with more Authority: And have often adjusted the Mistakes of that very Learned Writer, who was a Foreigner in this Cause, and wrote sometimes of* English *Matters with a* French *Air, loose and at large. But a very great Number of the Terms here interpos'd are new to the present Age, and were occasionally gathered up from many Manuscripts and old Records, more to satisfy my own private Curiosity, than with any Design upon the Publick.*

But since the Proprietors of the old Copy called upon me, to lend them some Additions and Improvements for a new Edition, I communicate the Heap of Collections to them and the World; and dare say, they will be serviceable to the Antiquary, to the Historian, to the Lawyer, to any Scholar, nay to every English *Reader.*

Thus far the Prefacer to the last Edition, concerning the first Author, and the Improvements he himself made to this Work: It remains to say something in Behalf of this present Volume. In the first Place, the Text of the last Edition is left entire and whole. But the Faults of that Impression, the literal, (which are almost innumerable) and the many wrong Quotations and References are corrected with the greatest Care. The Etymologies of Words, where they seemed to be mistaken, are not altered; but the true Derivations added; and these I am not ashamed to own were chiefly taken from Dr. Wilkins's Glossary *to his* Saxon Laws. *As for the Additions now made they are very large, consisting of many Thousand Words; of which there needs no other Proof than the additional Number of Sheets, this Impression containing above thirty more than the last.*

A Titular and Chronological TABLE *of our KINGS and QUEENS from the Conqueſt to the Year,* 1727.

	KINGS Names and Titles.	*Began their Reigns.*	*Reigned. Ye. Mo. Days.*	*Since they Reigned.*
1	William Rex; Wilhelmus Rex Anglorum; *and* Wilhelmus Rex Anglorum, Princeps Normannorum atque Cynomannenſium.	1066 *Octob.* 14	20 11 22	640 *Septemb.* 9
2	Willielmus, Rex Anglorum, & Willielmus Dei Gratia, (*and* nutu Dei) Rex Anglorum.	1087 *Sept.* 9	12 11 18	627 *Auguſt* 1
1	Henricus, Rex Anglorum; Henricus Dei gratia, Rex Anglorum; *and* Henricus gratia Dei, Rex Anglorum & Princeps Normannorum; *called alſo in ſome Records*, Henricus Vetus.	1100 *Aug.* 1	35 4 1	592 *Decemb.* 1
	Stephanus, Rex Anglorum; *and* Stephanus Dei gratia, Rex Anglorum.	1135 *Decemb.* 1	18 11 18	573 *Octob.* 25.
2	Henricus, Rex Angliæ, Dux Normanniæ & Aquitaniæ, & Comes Andegaviæ.	1154 *Octob.* 25	35 9 8	538 *July* 6
1	Richardus, Rex Angliæ, Dux Normanniæ & Aquitaniæ, & Comes Andegaviæ.	1189 *July* 6	9 9 0	528 *April* 6.
	Johannes, Dei gratia, Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ & Aquitaniæ, & Comes Andegaviæ.	1199 *April* 6	17 7 0	511 *Octob.* 19
3	Henricus, Dei gratia, Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ & Aquitaniæ, & Comes Andegaviæ: Anno Regni 44, *he ſtiled himſelf* Henricus Dei gratia, Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ.	1216 *Octob.* 19	56 1 9	455 *Novemb.* 16
1	Edwardus, Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ *In Records ſometimes named* Edward *of* Weſtminſter.	1272 *Nov.* 16	34 8 6	420 *July* 7
2	Edwardus, Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. *And*, 14 Regni, *added* Comes Pontivi & Monſtroill. *Pat.* 14 *Edw.* 2. *Par.* 2. *m.* 14. *Stiled alſo* Edw. *of* Carnarvon.	1307 *July* 7	19 7 5	400 *Jan.* 25.
3	Edwardus, Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. Anno 13 Regni *he omitted* Dux Aquitaniæ. *He was alſo called* Edward *of* Windſor, *and was the firſt that conſtantly uſed* Poſt Conqueſtum *in his Title, to diſtinguiſh the King* Edwards *after the Conqueſt, from thoſe before it.*	1327 *Jan.* 25	51 5 7	358 *June* 21
2	Richardus, Dei gratia, Rex Angliæ, & Franciæ, & Dominus Hiberniæ, *called* Rich. *of* Bourdeaux.	1377 *June* 21	12 3 14	328 *Septemb.* 29
4	Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ, *called* Henry *of* Bullingbroke.	1399 *Sept.* 29	13 6 3	315 *March* 20
5	Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ. *Et Anno Regni* 8, Hen. Dei gratia, Rex Angliæ, hæres & Regens Franciæ, & Dominus Hiberniæ, *called alſo* Henry *of* Monmouth.	1412 *Mar.* 20	9 5 24	305 *Auguſt* 31
6	Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1422 *Aug.* 31	38 6 8	267 *March* 4
4	Edwardus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1460 *March* 4	23 1 8	244 *April* 9
5	Edwardus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1483 *April* 9	0 2 18	244 *June* 22
3	Ricardus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1483 *June* 22	2 2 5	242 *Auguſt* 22
7	Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1485 *Aug.* 22	23 10 16	218 *April* 22

KINGS Names and Titles.	Began their Reigns.	Reigned Ye. Mo. Days.	Since they Reigned.
8 Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ. *Et Anno* 10 *Regni*, Henricus octavus Dei gratia, &c. *Anno* 13 *Regni*, Fidei Defensor *was added. Et Anno* 22 *Regni*, in terra Ecclesiæ Anglicanæ & Hiberniæ supremum caput, *was added. Et Anno Regni* 34, Rex Hiberniæ *was added.*	1509 *April* 22	37 10 2	180 *Jan.* 28
6 Edwardus sextus, Dei gratia, Angliæ, Franciæ & Hiberniæ Rex, Fidei Defensor, Et in terra Ecclesiæ Anglicanæ & Hiberniæ supremum caput.	1547 *Jan.* 28	6 5 19	174 *July* 6
Quëen Mary *summoned her first Parliament by the same Title, but soon after omitted* supremum Caput. *After she married* King Philip, *she used her own and his Titles*, &c.	1553 *July* 6	5 4 22	169 *Novemb.* 17
Elizabetha, Dei gratia, Angliæ, Franciæ & Hiberniæ Regina, Fidei Defensor.	1558 *Nov.* 17	44 4 16	125 *March* 24
1 Jacobus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1602 *Mar.* 24	22 8 2	102 *March* 27
1 Carolus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1625 *Mar.* 27	23 10 3	78 *Jan.* 30
2 Carolus secundus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1648 *Jan.* 30	36 0 8	42 *February* 6
2 Jacobus secundus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1685 *Febr.* 6	4 0 7	*Abdicated Dec.* 29, 1688
Gulielmus & Maria, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex & Regina, Fidei Defensores. *But Queen* Mary *dying Decemb.* 28, 1694, *King* William's *Title then was* Gulielmus tertius, Dei gratia, &c.	1689 *Febr.* 13	13 0 23	25 *March* 8
Anna, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Regina, Fidei Defensor. *But upon the Union of the two Kingdoms in the Year* 1706, *she used* Magnæ Britanniæ *instead of* Angliæ, Scotiæ.	1702 *Mar.* 8	12 4 24	13 *August* 1
Georgius, Dei gratia, Magnæ Britanniæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1714 *August* 1	*Crown'd Oct.* 20, 1714. 12 .. 10 .. 9	*Now Reigning.*

Georgius 2^dus Dei Gratia, Magnæ &c^a. . . . . 1727. June 9.
Georgius Tertius. ——— 1760 Octo 25
Georgius Quartus
Gulielmus Quartus
Victoria

CARMEN TECHNICUM

Regum Reginarumque Angliæ.

WIl. Conq. *Wil.* Rufus, *Henri*, *Steph. Henq*; secundus,
Ric. John, *Henricus*, tres *Edward*, *Riq*; secundus,
Post hos regnavit quartus, quintus quoque *Henri*,
Hen. sextus, *Edward* quartus, quintusque, *Ricardus*
Tertius, *Hen.* Sept. & Oct. *Edwarduſque*, *Maria*,
Eliz. Jac. Carolus primus, *Caroluſque* secundus,
Postq; secund. *Jacob.* Tunc cum *Maria Gulielmus:*
Tunc Gul'mus solus: Post hunc regnavit & *Anna:*
At (nunc gubernans) succeſſit *Georgius Annæ.*

THE INTERPRETER OF Hiſtory, Antiquities, and LAWS.

A.

AIS the firſt Letter of the Alphabet with the *Hebrews*, *Greeks*, *Latins*, and other Nations, and called by the *Heb. Aleph*; the *Arab. Aliph*; *Chaldee* and *Syriac*, *Olaph*; *Armenians*, *Alp*; *Æthiopians Alph*; and *Greeks*, *Alpha*. *A* prefix'd to Words, in *Engliſh* ſtands equivalent with *un* in *French*; as a Man, *un homme*. But *A* prefix'd, according to the *Greek* Acceptation becomes privative, and ſignifies as much as *without* *v. g.* in *Greek* ὄνομα, a Name, by prefixing *A* it becomes Ἀνώνυμος, *ſine nomine*, without a Name, or that will not own his Name.

Ab. When the Name of a Place begins with *Ab* it denotes, that either the Place belonged to ſome Abbey, or that an Abbey was founded there Thus, *Abingdon* in *Berkſhire* took that Name ſoon after *Ciſſa* King of the *Weſt-Saxons* had founded the Abbey there; for before, it was called *Cloveshoe*.

Abator, The Cap of State, uſed in old Time by our *Engliſh Kings*, wrought up in the Figure of two Crowns. *Vid. Chron. Angl.* 1463. *Ed.* 4. p. 666. Vol. 2. I. 27. *Spelman.*

Abactors, (*Abactores*) Drivers away, or indeed ſtealers of Cattle or Beaſts, not by one and one, but in great Numbers at once; and therefore by *M. S.* thus diſtinguiſhed from *fur*, *qui unam ovem furripuerit*, *ut fur coercetur*, *qui gregrem*, *ut* Abactor. 'Tis derived from the Verb *Abigere*. For when Herds of Cattle are ſtoln, they are certainly driven away:

Nocte miſer quadam ſomno graviore ſepultus,
Amiſit taciti furto prædonis abactos.

Abacus, *Arithmetic*, or the Art of numbering, from the *Abacus* or Table, on which the Ancient ſet down their Figures.——*Omnium liberalium artium peritus*, Abacum *præcipue*, *lunarem compotum & curſum rimatus.* Hen. Knighton, *Chron. lib.* 1. *cap.* 3.

Abaciſta, An *Arithmetician*, whence the *Italian* *Abbachier* and *Abbachiſta* —— *Gerbertus*——*Abacum certe primus a Saracenis capiens, regulas dedit, quæ a ſudantibus* Abaciſtis *vix intelliguntur.* Will. Malmſbur. *Hiſt. Angl. lib.* 2. *cap.* 10.

Abandum, *Abandonum*, Any thing ſequeſtred, proſcribed, *abandon*, i. e. *In bannum res miſſa*; a Thing *Bann'd* or *Denounc'd* as forfeited and loſt. Whence to *abandon*, to *deſert*, or *forſake* as loſt and gone.

Abarnare, To detect or diſcover any ſecret Crime. *Sax. Abarian*, to uncover, diſcloſe or make bare. —— *Siquis Francigena occidatur, & Interfector ignoretur — Si parentes ſecundum legem repetentes, vel probantes non habeant, ſint illius qui* abarnaverit. *Leges* Henrici I. *Angl. cap.* 91. —— *Si Homo furtivum aliquid in domo ſua occultaverit, & ita fuerit* abarnatus, *rectum eſt ut inde habeat quod quæſivit. Leges Canuti Reg. cap.* 104. Dr. *Wilkins* in his Gloſſary on the *Saxon* Laws thus explains this Word *Abarnare: Rem clam & occulte geſtam probationibus manifeſtare: Unde Murdrum* abarnatum *idem eſt ac Murdrum probatum.*

Abartſtick, Inſatiable; from *a* Privative, and the *Saxon*, *Berſton*, *Diſrumpi*, who has ſo large a Belly, that tho' full, it will not burſt.

Abate, May be derived from the *French* Word *Abatre*, *deſtruere*, *proſternere*, to break down or deſtroy; in the vulgar Senſe, it ſignifies to diminiſh, or take away, as to *abate* the Courage of a Man; it is in the Writers of the Common Law uſed both actively and paſſively, as to *abate* a Caſtle or Fortlet, *Old Nat. Brev. fol.* 45. Which in *Weſt.* 1. *cap.* 17. is plainly interpreted to beat it down: And to *abate* a Writ, is by ſome Error or Exception to defeat, or overthrow it. *Britton, cap.* 48. And in this active Voice, it has two Significations, one general, another ſpecial; general, as in the former Examples; and again, in *Kitchin, fol.* 175. *Abater Maiſon*, is to ruin or caſt down a Houſe; ſpecial, as in the *Old Nat. Brev. fol.* 115. A Stranger *abateth*, that is, entreth upon a Houſe or Land, void by the Death of him that laſt poſſeſſed

it, before the Heir takes his Poſſeſſion, and ſo keeps him out; wherefore as he that putteth him out of Poſſeſſion, is ſaid to diſſeiſe; ſo he that ſteppeth in between the former Poſſeſſor and his Heir is ſaid to *abate*. And in the Statute *De conjunctim Feoffatis*, 34 *Ed.* 1. Stat. 2. The Writ of the Demandant ſhall be *abated*, that is, ſhall be diſabled, fruſtrated, or overthrown. So in *Staundford's Pleas of the Crown*, fol. 148. the Appeal *abateth* by Couſinage, that is, the Accuſation is defeated by Deceit. *Anno* 11 *H.* 6. *cap.* 2. The Juſtices ſhall cauſe to be *abated* the ſaid Writ, and hence cometh a Word of Art *Abatamentum*. *Vide Intruſion.*

Abatement, Derived from the French *Abatement*, ſometimes ſignifies the Act of the *Abator*, as in the *Abatement* of the Heir into the Land before he hath agreed with the Lord. *Old Nat. Brev.* 91. Sometimes the Affection or Paſſing of the Thing *abated*, as *Abatement* of the Writ. *Kitch. fol.* 214. And in this Signification, it is as much as *exceptio dilatoria* with the *Civilians*, (*Brit. cap.* 51.) or rather an Effect of it; for the Exception alledged, and made good, works the *Abatement*. And this Exception may be taken either to the Inſufficiency of the Matter, or to the Incertainty of the Allegation, by the Miſnaming of the Plaintiff, Defendant, or Place; to the Variance between the Writ and the Specialty, or Record; to the Incertainty of the Writ, Count or Declaration; or to the Death of the Plaintiff or Defendant before Judgment had, and for divers other Cauſes: Upon which Defaults the Defendant may pray that the Writ or Plaint may *abate*, *i. e.* the Plaintiff's Sute againſt him may ceaſe for that Time. *New Terms of the Law*, Verb. *Abatement of a Writ*, &c. To prevent *Abatement* of Writs of Error. See the Stat. 16. *Car.* 2. *cap.* 2. *Co. Entries*, *fol.* 63. *c.* & 205. *d.* & 519. *c. Abatement* is called in *Latin Intruſio*, but it may rather be called *Interpoſitio*, or *intratio per interpoſitionem*, to diſtinguiſh it from Intruſion after the Death of Tenant for Life: And in his *Com.* on *Lit. fol.* 277. he ſhews the Difference between *Abatement*, *Diſſeiſin*, *Intruſion*, *Deforcement*, *Uſurpation*, and *Purpreſture*. He that will read more of this, may read the *New Book of Entries*, verb. *Brief*. See alſo *Writ*, *Miſnomer* and *Variance*, and the Book called, *The Digeſts of Writs.*

Abator, Is he that *abateth*, that is, intrudeth into a Houſe or Land, void by the Death of the former Poſſeſſor, and not yet entred, or taken up by his Heir. *Old Nat. Brev. fol.* 115. *Perkins*, *fol.* 76.

Abatuda, *i. e.* diminiſhed; *Moneta* abatuda is Money clipt or diminiſhed in Value: *Si tempore ſolutionis hæc Moneta fuerit* abatuda, *ſive deteriorata. Charta Simonis Comitis Leiceſtriæ*, *Anno* 1209. *Du Cange in verbo.*

Abawed, *i. e.* terrify'd, from the French *Esbahir*, *attonitum reddere.*

Abay, or *Abey: Ye ſhall ſore abey* it, *i. e.* You ſhall ſuffer great Pain, or You ſhall pay dear for it.

Abbacy, In *Latin Abbatia*, or *Abbathia*, is the Government of a religious Houſe, with the Revenues and Perſons, ſubject to an Abbat, as a Biſhoprick is to a Biſhop. The Word is uſed *Anno* 34 & 35 *H.* 8. *cap.* 17, 18. *Sciant*, &c. *quod ego Iſſabella Comitiſſa Pembrook pro ſalute animæ meæ*, &c. *Dedi Deo & Abbathiæ de* N. *totam wicham juxta prædictam Abbathiam*, &c.

Abballaba, *Apubly*, a Town in *Weſtmorland.*

Abbat or Abbot, *Abbas* in Latin, in French *Abbe*, Sax. *Abbud*, a Spiritual Lord having the Rule of a religious Houſe, according to our Common Law: Skilful Linguiſts derive it from the Syriack *Abba*, *Pater*; *Juſtinian's Novel Conſtitut.* 115. *Sect.* ὑπόλειπον, terms him *Archimandrita*; others *Cœnobiarcha*, or *Archimonachus*. Hotoman *in verb. Feuda.* Of theſe, ſome here in *England* were Mitered, ſome not. *Stow's Annals*, *pag.* 442. Such as were Mitered, were exempted from the Juriſdiction of the *Dioceſan*, having themſelves Epiſcipal Authority within their Limits, and were alſo Lords of the Parliament. Of this Kind, thus ſaith *Coraſius*, *Aliqui* Abbates *habent juriſdictionem Epiſcopalem*, *ad quos cum Eccleſia pleno jure pertineat*, *in eorum Monaſteriis Epiſcopus nihil exercet. Cap. Ea quæ.* And theſe were called *Abbots Sovereign*, 9 *R.* 2. *cap.* 4. And *Abbots Generals*, as Mr. *Ferne* Noteth in his *Glory of Generoſity*, *pag.* 126. The other Sort were ſubject to the *Dioceſan* in all ſpiritual Government. *Cap. Monaſteria* 18. *Quæſt. cap. Abbas & ca. viſitandi*, *cum quatuor ſequentibus ibid. Omnes* 16. *Quæſt.* 7. & *ca. cum venerabilis*, *extra de religioſis domibus.* And as *Abbots*, ſo were there Lords Priors alſo, who both had exempt Juriſdiction, and were Lords of Parliament, as Sir *Edw. Coke* makes out, *De jure Eccleſ. fol.* 28. *a.* Of which Lords Abbots and Priors that ſat in Parliament, ſome reckon but twenty-ſix, but Sir *Edw. Coke* ſays, they were twenty-ſeven *Abbots* and two Priors, *Co. ſuper Lit. fol.* 97. In the Parliament 20 *R.* 2. there were but twenty-five *Abbots* and two Priors: But in the Summons to the Parliament at *Winton*, *Anno* 4 *Ed.* 3. (*in Dorſo clauſo ejuſdem An. Membran.* 41.) I find more named, to which I have added the Founders out of the *Monaſticon Anglicanum.*

Abbots and Priors.	*Founders Names*
1 Abbot of St. *Auſtin's* in *Canterbury.*	*Athelbertus Rex*, *Anno* 602.
2 Abbot of *Ramſey.*	*Ailwinus Semi-Rex*, 969.
3 Abbot of *Peterborough.*	*Wulferus Rex*, 664.
4 Abbot of *Croyland.*	*Ethelb. Rex Merciæ*, 726.
5 Abbot of *Eveſham.*	*Egwin. Epiſc. Wigorn*, 708.
6 Abbot of St. *Benet de Hulmo.*	*Canutus Rex*, *Anno* 1026.
7 Abbot of *Thornby.*	*Wil. Albemarle ſub Hen.* 2.
8 Abbot of *Colcheſter.*	*Eudo Dapifer*, *Hen.* 1.
9 Abbot of *Leiceſter.*	*Rob. Boſſue*, *Comes Leic.* 1141.
10 Abbot of *Winchcomb.*	*Kenulphus Rex Merciæ*, 789.
11 Abbot of *Weſtminſter.*	*Seabert Rex Occid. Sax.* 604.
12 Abbot of *Cirenceſter.*	*Henricus Primus*, 1133.
13 Abbot of St. *Albans.*	*Offa Rex Merciæ*, 795.
14 Abbot of St. *Mary York.*	*Alanus Comes Britanniæ* 1088.
15 Abbot of *Shrewsbury.*	*Roger. Comes Mortgom.* 1081.
16 Abbot of *Selby.*	*Gulielm. Conqueſter*, 1078.
17 Abbot of St. *Peter's Glouceſter.*	*Offric. Rex Northumb.* 700.
18 Abbot of *Malmesbury.*	*Maidulfus Hibern. Scot.* 648.
19 Abbot of *Waltham.*	*Haraldus Rex*, 1036.
20 Abbot of *Thorney.*	*Ethelwoldus*, & *Edgarus Rex*, 972.
21 Abbot of St. *Edmond's.*	*Canutus Rex*, 1020.
22 Abbot of *Beaulieu.*	*Johannes Rex*, *Anno Regni* 6.
23 Abbot of *Abingdon.*	*Ciſſa Rex*, *An.* 675.

24	Abbot of *Hyde.*	*Aluredus Rex*, 922.
25	Abbot of *Rading.*	*Henricus Primus Rex*, 1125.
26	Abbot of *Glaſtonbury.*	*Inas Rex Occid. Sax.* 708.
27	Abbot of *Oſney.*	*Rob. Fitz-Nigel Doily*, 1129.
28	Prior of *Spalding.*	*Jo. Talbois, Com. Andegav.* 1074.
29	Prior of St. *John's* of *Jeruſalem.*	*Jordanus Briſet & Ux. ejus*, 1100.
30	Prior of *Lewes.*	*Will. de Warren, primus Comes Sur.* 1708.

To which were afterwards added,

31	Abbot of S. *Auſtin's. Briſtol.*	*Henricus Secundus Rex.*
32	Abbot of *Bardeney.*	*Rex Ethelredus*, 712.
33	Prior *de Sempling-ham.*	*Sanctus Gilbertus*, 1131.

To theſe alſo *Henry* the Eighth added the Abbot of *Taviſtock*. And in the *Teſte* to *Mag. Charta*, the Names of ſome other *Abbots* are inſerted, among the great Men of the Realm. An *Abbot* with the Monks of the ſame Houſe, being called *The Covent*, made a Corporation; but ſuch *Abbot* was not chargeable by his Predeceſſors Act, but by their common Seal, or for ſuch Things as came to the Uſe of his Houſe; neither for the Debt of his Monk before his Entry in Religion, though the Creditor had a Specialty. See for this the *Abridgment* under the ſame Title.

The *Biſhops* complained that the *Monks* invaded their Rights and Privileges, I mean at the Time when the *Abbots* were firſt mitred; and they were very much offended, becauſe in Synods and Councils there was no Diſtinction between them in their Habits, for both were mitred and alike; thereupon Pope *Clement* the Fourth ordered, that the *Abbots* ſhould wear their Mitres embroidered with Gold, but without Jewels; but thoſe of the Order of *Præmonſtratenſes* wore no Miters, becauſe they would not ſeem to be elevated with thoſe Things which were worn by Popes and great Prelates.

Abbathy, *An.* 31 *H.* 8. *cap.* 13. See *Abbacy.*

Abbatis, An *Avener* or Steward of the Stables; the Word was ſometimes uſed for a common *Hoſtler*, pronoune'd ſhort in the middle Syllable, which diſtinguiſhes it from the genitive of *Abbas*, an Abbat. As in this old Line,

Abbatis ad canam dat equis Abbatis avenam. Spelman *in voce.*

Abbettor. See *Abet.*

Abbrochment, (*Abbrocamentum*) is a Foreſtalling of a Market or Fair, by buying up the Wares before they are expoſed to Sale in the Market or Fair, and then vending them again by Retail. *M. S. de Placit. coram Rege Ed.* 3. *Penes* J. Trevor *Mil.*

Abbundum. See *Abingdon.*

Abbus *æſtuarium. Humber* in *Yorkſhire.*

Abbuttals, (From the *French Abutter*, that is, to limit or bound) are the *Buttings* and Boundings of Land either to the Eaſt, Waſt, North or South, ſhewing on what other Lands, Rivers, Highways, or other Places it does *abut*: As in *Croke's* Reports, Part 2. Fol. 184. *The Plaintiff hath fail'd in his Abuttals*, that is in ſetting forth how the Land is *abutted* and bounded. *Latera autem nunquam aiunt* Abuttare, *ſed terram Proximum adjacere.* And *Cambden* ſays, Limits were diſtinguiſhed by Hillocks raiſed on purpoſe, which were called *Botentines*; whence we may gueſs our *Butting* to ſpring. The Word *Abuttare* to *Abut* or to Bound End-ways, from the *Saxon* Onbutan, Butan, *præter, ultra.* In a Terrier, or Deſcription of the Site of Land, the Sides on the Breadth are properly *adjacentes*, lying or hordering, and the Ends only in Length are *abuttantes, abutting* or *bounding*: Which in old Surveys, they ſometimes expreſs'd by *capitare*, to *Head*, whence *Abuttals* are now called *Had-Lands, i. e.* Head-Lands. As in the Rental of *Wye* in *Kent* belonging to the Abbey of *Battle* in *Suſſex. Tenent octo acras juxta Gores wall. capitantes ad prædictum wallum.*

Abditorium, An Abditory or Place to hide and preſerve Goods, Plate, or Money, or a Cheſt in which Relicks were kept. As in the Inventory of the Church of *York. Mon. Angl. Tom.* 3. p. 173. *Item unum coffeur, & una pixis de ebore ornata cum argento deaurato. Item tria* Abditoria *& tres pixides de ebore ornatæ cum cupro deaurato.*

Abechet. Is an old Word, and ſignifies to be ſatisfied; from the French *abecher*, to feed.

Aberemurder, *Aberemurdrum*, Plain or Right down Murder; as diſtinguiſhed from the leſs heinous Crimes of *Manſlaughter* and *Chancemedly.* From the *Saxon*, *Æbere*, apparent, notorious, and *Mord*, Murder. So *Æbere Theof.* a bare, evident, notorious Thief. This *Aberemurder* was declared a capital Offence, without Fine or Commutation by the Laws of *Canute, cap.* 93. *Hoc ex ſcelerum genere fuit, nullo pretio, etiam apud Saxones noſtros, expiabilium, cum alia licuit pecuniis commutare*, ſays *Spelman, in voce.* And in the Laws of *Hen.* 1. *c.* 12. *Ex his placitis quædam emendantur centum ſolid', quædam* Wera, *quædam Wita, quædam non poſſunt emendari, quæ ſunt* Husbreek, & Bernet, & Openthifthe, & Eberemorth, *&c.*

Abergavenny. See *Gobanium.*

Abeſſed, *i. e.* humbled; from the Fr. *abaiſſer*, to depreſs; and hence the *Engliſh* Words *Baſe*, and *Abaſe.*

Abet, (*Abettare*) May be ſaid to proceed from the French *Bouter, impellere* or *excitare* (rather from the Saxon *a*, an energetical Article, and *Bedan* to ſtir up, or excite; from whence the Phraſe of *beeting* or *beating* the Fire, *i. e.* ſupplying it with more Fuel:) In our Common Law, it ſignifies as much as to Encourage, or ſet on. *Abetment* (*abettum*) the Subſtantive implies the ſame. *Staundf. Pl. Cor.* 105. As in the Pleas of Parliament, 21 *Ed.* 1. *Jurati quæſiti per cujus abettum appellum prædictum factum fuit, & proſecutum, dicunt quod per abettum Hugonis de Evere.* And *Abettor* (Abettator) for him that encourageth, or ſetteth on. *Old Nat. Brev. fol.* 21. but both Verb and Noun are always taken in the worſt Senſe. As *Abettors* of Murder, are ſuch as command, procure, or counſel others to commit a Murder; and in ſome Caſes ſuch *Abettors* ſhall be taken as Principals, in other but as Acceſſories; and their Preſence or Abſence at the Doing of the Fact, differences the Caſe. There are alſo *Abettors* in Treaſon, but they are as Principals; for there are no *Acceſſories* in *Treaſon.* See *Fleta, lib.* 1. *cap.* 34. *Sect.* 13. *cap.* 52. *Sect.* 35. Coke *on* Lit. *Sect.* 475. *Staundford's* Pleas of the Crown. *Raſtal's* Expoſition, *&c.*

Abettator, An *Abettor.* See *Abet.*

Abeyance, Hath by ſome been derived from the *French Aboyer*, that is, *allatrare*, to bark at, as Dogs do at a Stranger; but I rather ſuppoſe it may come from the *French* word *Bayer*, to gape after, or to expect: So Children are ſaid *Bayer a la*

mamme, who ſeeing the Dug, they ſtrivingly expect it: So alſo *bayer a l' argent, qui ſpe atq; animo pecuniæ incumbunt.* This Word in *Littleton*, cap. *Diſcontinuance*, we find thus uſed, The Right of Fee-ſimple lieth in *Abeyance*, that is, according to his own Interpretation, only in the Remembrance, Intendment and Conſideration of the Law. Sir *Edw. Coke* calls it *in gremio legis.* The Frank-tenement of the Glebe of a Parſonage is in no Man, ſo long as the Parſonage remains void, but is in *Abeyance.* And it is a Maxim in Law, *That of every Land there is Fee-ſimple in ſome Man, or elſe it lies in* Abeyance. Conſidering and comparing theſe Places with the Signification of the French Word *Bayer*, it ſeems more than probable, that our ancient Law-Looks would ſignifie hereby a Kind of Hope, or longing Expectation, becauſe Things in *Abeyance*, tho' at preſent in no Man, yet in Hope and Expectation they belong to him that is next to enjoy them. And alſo in French, a Man that earneſtly gazes at any Thing, is termed *un Bayard*, a greedy Beholder. This *Abeyance* cannot be better compar'd, than to that which the *Civilians* call *Hæreditatem jacentem.* For as *Bracton* ſaith, *lib.* 1. *c.* 12. *num.* 10. *Hæreditas jacens nullius eſt hominis ante additionem, &c.* So that (as the *Civilians* ſay) Lands and Goods do *jacere*; ſo the common Lawyers ſay, That Things in like Eſtate are in *Abeyance* as the *Logicians* term *in poſſe*, or in Underſtanding; and as we ſay, *in nubibus*, in the Clouds, that is, in Conſideration of the Law. Read more of this in the *New Terms of the Law*, *fol.* 6. & *Plow. Rep. Walſingham's* Caſe. See alſo *lib.* 3. *cap.* 11. *fol.* 145. & *Perkins*, *fol.* 12. *Co.* on *Lit. fol.* 342. *b.*

Abgatoria, *Abgetorium*, The Alphabet, or *A*, *B*, *C*, as *Mat. Weſtm.* reports of St. *Patric*—*Abgetoria quoque* 345. *& eo amplius ſcripſit, totidem Epiſcopos ordinavit.* So *Warenus de ſcript. Hibern. lib.* 1. *Baptizavit quotidie homines & illis literas legebat*, & Abgatorias. The *Iriſh* ſtill call the Alphabet *Abghittin.*

Abigevus, for *Abigenus*, ſignifies a Thief who hath ſtoln many Cattle: *Si quis ſuem furripuit, fur erit, & ſi quis gregem*, Abigevus. *Bracton*, *lib.* 3. *c.* 6.

Abingdon, anciently *Abbundun*, a Town in *Berkſhire*, ſo called ſoon after *Ciſſa*, King of the *Weſt-Saxons*, had built an Abbey there; for before that Time it was called *Cloveſham alias Cloveſhoe*, where the famous Council was held. The old Book of that Abbey tells us, *Hic ſedes regia, hic cum de regni præcipuis & arduis tractaretur negotiis, concurſus fiebat populi.*

Abiſherſing, (As *Raſtal* in his *Abridgment* expounds it,) Is to be quit of Amerciaments before whomſoever of Tranſgreſſion proved. It is called in the *New Terms of the Law*, *Miſherſing*; It ſignifies originally a Forfeiture, but much miſwritten by the Ignorance of Clerks, ſince more properly it ſhould be *Miſherſing*, *Miſhering* or *Miſkering*, according to the learned *Spelman*, in his *Gloſſary.* Old Authors have termed it a Freedom or Liberty, becauſe whoever hath this Word inſerted in a Charter or Grant, hath not only the Forfeitures and Amerciaments of all others within his Fee for Tranſgreſſions, but alſo is himſelf free from the Controul of any within that Compaſs.

Abjuration, (*Abjuratio*) is a Renouncing by Oath; and ſignifieth in our Law a ſworn Baniſhment, or Forſwearing of the Realm; *Staundf. Pl. Cor. lib.* 2. *cap.* 40. ſaith out of *Polyd. Vigil* 1. So great was the Devotion towards the Church in King *Edward the Confeſſor's* Time, till 22 *H.* 8. that if a Man having committed Felony, could get into the Church or Church-yard, before he was apprehended, he might not be taken thence to the uſual Trial at Law; but confeſſing his Fault to the Juſtices at their Coming, or to the Coroner, might be admitted to his Oath, to *abjure* or forſake the Realm, *Anno* 7 *H.* 7. *cap.* 7. The Form and Effect of this you have in the *Old Abridgment of Statutes*; an ancient Tract, *De Officio Coronatorum*, Crompton's *Office of Coroner*, fol. 260. b. *New Book of Entries*, verb. *Abjuration.* Horne's *Mirror of Juſtices*, lib. 1. cap. *Del Office del Coroner. Quando aliquis abjuravit Regnum, Crux ei liberata fuit in manu ſua portanda in itinere ſuo per ſemitas Regias, & vocabatur vexillum Sanctæ Eccleſiæ.* Eſſex, Plac. Hil. 26 *Ed.* 3. This Part of our Law was in ſome Sort practiſed by the *Saxons*, as appeareth by the Laws of King *Edward*, ſet out by Mr. *Lambard*, *num.* 10. but more directly by the *Normans*; evidenced by the *Grand Cuſtomary*, cap. 24. where the Form of the Oath is likewiſe ſet down with the Reſt of the Proceedings therein, very agreeable with Ours. This Clemency ſomething reſembles that of the *Roman* Emperors towards ſuch as fled to the Church, *Lib.* 1. *Co. tit.* 12. or to the Images themſelves *Eod. tit.* 25. And alſo that of the Cities of Refuge mentioned by *Moſes*, *Exod.* 21. 13. *Numb.* 15. 6, 11, 12. *Deut.* 19. 2. *Joſh.* 20. 2. Of all the Circumſtances belonging to this *Abjuration*, read the *New Terms of the Law*, and *Staundf. ubi ſupra.* But this grew at laſt to be but a perpetual Confining of the Offender to ſome Sanctuary, wherein upon *Abjuration* of his Liberty and free Habitations, he would chuſe to ſpend his Life; as appears *Anno* 22 *H.* 8. *cap.* 14. And by 21 *Jac.* 1. *cap.* 28. this Benefit is wholly taken away, and conſequently *Abjuration*, 2 *Inſt. fol.* 629. See *Sanctuary.* Robertus le Tailleur de Drayton, *qui ſuſpenſus fuit apud* Abyngdon, *relictus pro mortuo ſub furcis, ſurrexit & fugit ad Eccleſiam de* Abyngdon, & *ibidem cognovit ſe eſſe latronem*, & abjuravit *Regnum coram coronatore, &c. Anno* 14 Ed. 1.

Abladium, Corn mowed or reaped.

Abocellus. This Word is uſed in *Petrus Bleſenſis. Serm.* 18 & 43. and ſignifies one who is blind.

Abolition, (*Anno* 25 *Hen.* 8. *cap.* 21.) a Deſtroying, or Putting out of Memory: *Inſtitutæ actionis peremptio:* 'Tis the Leave given by the King or Judges to a criminal Accuſer to deſiſt from farther Proſecution.

Abridge, (*Abbreviare*) Cometh of the French *Abreger*, to make ſhorter in Words, yet ſtill retains the Senſe and Subſtance; but in the Common Law it ſeems more particularly uſed for making a Declaration or Count ſhorter, by ſubſtracting or ſevering ſome of the Subſtance. As for Example, A Man is ſaid to *abridge* his Plaint in Aſſize, or a Woman her Demand in an Action of Dower, that hath put into the Plaint, or Demand, any Land not in the Tenure of the Tenant or Defendant, if the Tenant pleads Non-tenure, Joint-tenancy, or the like, in Abatement of the Writ, the Demandant may *abridge* his Plaint, that is, he may leave out that Part, and pray that the Tenant may anſwer to the Reſt, to which he hath not yet pleaded; and the Reaſon is, becauſe the Certainty is not ſet down in ſuch Writs: And tho' the Demandant hath *abridged* his Plaint in Part, yet the Writ remains good

ſtill

ſtill for the Reſt: So that here *Abridger* is not *contrahere*, but rather *ſubtrahere*. *Bro. Abridgment, & Anno* 21 *H.* 8. *cap.* 3. Of this the *Civilians* have no Uſe, by Reaſon of certain cautelous Clauſes they ordinarily affix to the End of every Article in their Libel or Declaration.

Abridgment of a Plaint, (*Abreviamentum.*) See *Abridge.*

Abrocamentum, Is a Buying of Goods by Wholeſale, before they are brought to Market, and Selling them again in Parcels. See *Abroachment.*

Abrogate, *Abrogare*, To diſanul or repeal; as to *abrogate* a Law, that is, to lay aſide, or repeal it, *Anno* 5 & 6 *E. cap.* 3. See *Prorogue.*

Abſentees, or **Des Abſentees**, A Parliament ſo called, held at *Dublin*, 10 *May*, 28 *H.* 8. and mentioned in Letters Patent, dated 29 *H.* 8. See *Co.* 4. *Inſt. fol.* 358.

Abſoniare, To deteſt and avoid. As in the Form of Oath among the *Saxons*, recorded by Mr. *Somner. In illò Deo, pro quo ſanctum hoc Sanctificatum eſt, volo eſſe nunc Domino meo N. fidelis & credibilis, & amare quod amat, & abſoniare quod* abſoniat, *per Dei rectum, & ſeculi competentiam.*

Abuttals. See *Abbuttals.*

Ac. Some Words which begin with *Ac*, are derived from the Saxon *Ac*, which ſignifies an Oak.

Accapitum and **Accapitare**, the ſame with Relief; thus *capitali Domino* accapitare, is to pay a Relief to the Lord.

Accedas ad Curiam, Is a Writ that lies for him who has received falſe Judgment or fears Partiality in a Court-Baron, or Hundred-Court, being directed to the Sheriff, as appeareth by *Dyer, fol.* 169. *num.* 20. Like as the Writ *de falſo Judicio* lies for him that hath received falſe Judgment in the County-Court: The Form you may ſee in *F. N. B. fol.* 18. *d.* And in the *Regiſter, fol.* 9. *b.* where it is ſaid, This Writ lies as well for Juſtice delayed, as Judgment falſly given: It is a Species of the Writ *Recordare. Reg. Orig. fol.* 56. & *F. N. B. ubi ſupra.*

Accedas ad Vice-Comitem, Is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff; who having a *Pone* delivered him, ſuppreſſes it. *Reg. Orig.* 83.

Acceptance, Is a Taking in good Part, and as it were a Kind of Agreeing to ſome Act done before by another, which might have been undone and avoided, if ſuch *Acceptance* had not been: For Example, If a Biſhop before the Stat. 1 *El.* leaſe Part of the Poſſeſſions of his Biſhopriek for Term of Years, reſerving Rent, and dies, and after another is made Biſhop; who *accepts*, that is, takes or receives the Rent when it is due, and ought to be paid; by this *Acceptance* the Leaſe is made good, which elſe the new Biſhop might have avoided: The like is, if Baron and Feme ſeized of Land in Right of the Feme, joyn and make a Leaſe or Feoffment by Deed, Reſerving Rent; the Baron dies, the Feme receives or *accepts* the Rent; by this the Feoffment or Leaſe is confirmed, and ſhall bar her of bringing a *Cui in vita. Co.* on *Lit. fol.* 211. *b.*

Acceſſory or **Acceſſary**, (*Acceſſorius vel Acceſſorium*) *Particeps criminis*, Is uſed in our common Law otherwiſe than among the *Civilians*; for whereas with them it is generally taken for any Thing depending upon another, here tho' it be ſo likewiſe, yet moſt commonly and notoriouſly it ſignifies a Man guilty of a Felonious Offence, not principally; but by Participation, as by Command, Advice or Concealment. And a Man may be *Acceſſory* to the Offence of another after two Sorts; by the Common Law, or by Statute; and by the Common Law two Ways alſo, *viz.* either before or after the Fact; before the Fact, as where one commandeth or adviſeth another to commit a Felony, and is not preſent at the Execution thereof; for his Preſence maketh him alſo a Principal; wherefore there cannot be an *Acceſſory* before the Fact in Manſlaughter, becauſe Manſlaughter is ſudden; and not premeditated. *Co. Lib.* 4. *fol.* 44. 2. *Acceſſory* after the Fact, is, when one receives, aſſiſts or comforts him whom he knoweth to have committed a Murder or Felony. He who counſels or commands any Evil, ſhall be judged *Acceſſory* to all that follows upon it, but not to another diſtinct Thing. As, I command one to beat another, and he beats him ſo that the other dies of it, I ſhall be *Acceſſory* to his Murder. But if I command one to ſteal a white Horſe, and he ſteals a black one; or to burn ſuch a Houſe, which he well knows, and he burns another, I ſhall not be *Acceſſory*. Where the *Principal* is pardoned or hath his Clergy, the *Acceſſory* cannot be arraigned; there being a Maxim in the Law, *Ubi non eſt principalis, non poteſt eſſe* acceſſorius: For it appears not by the Judgment of Law, that he was *Principal*; but if the *Principal*, after Attainder, be pardoned, or hath his Clergy allowed him, there the *Acceſſory* ſhall be arraigned. See Sir *Edw. Coke's Inſtitutes, Part* 2. *fol.* 183. In the loweſt and higheſt Offences, there are no *Acceſſories*, but all are *Principals*; as in Riots, Forcible Entries, and other Tranſgreſſions *vi & armis*, which are the loweſt Offences; ſo in the higheſt, which is Treaſon, *crimen læſæ Majeſtatis*, there are no *Acceſſories*; but in Felony there are, both before and after. *Acceſſory* by Statute, is, he that abetteth, counſelleth or concealeth, committing or having committed an Offence made Felony by Statute; for tho' the Statute make no Mention of Abettors, yet they are by Interpretation included. Of all theſe conſult, *Staundf. Pl. Cor. lib.* 1. *cap.* 45, 46, 47, 48. There is alſo an *Acceſſory* of an *Acceſſory*, as he that wittingly receiveth an *Acceſſory* to a Felony; but a Woman in ſuch Caſe ſhall not be an *Acceſſory* for helping her Husband. *Lib. Aſſ* 26. *Pl.* 51. *Coron. Fitz.* 197. *Staundf. Pl. Cor. lib.* 1. *cap.* 48. Of this Subject, read more in *Cromp. Juſt. fol.* 37. *b.* 38, 39. If a Man counſel a Woman to murder the Child ſhe hath in her Womb, and afterward the Child is born, and then murdered by the Woman in the Abſence of him that ſo gave the Counſel; yet he is *Acceſſory* by his Counſelling before the Birth of the Infant, and not countermanding it. *Dyer, fol.* 186. *pl.* 2.

Accola, an Husbandman who came from other Parts to till the Land, *eò quòd adveniens terram* colat, and is thus diſtinguiſhed from *incola*, *ff.* Accola *non propriam, propriam colit* incola *terram. Du Freſne.*

Accollade. A Ceremony uſed in Knighthood by the King's Putting his Hand about the Knight's Neck, from the Fr. *accoller, collum amplecti.*

Accompt. (*Computus*) Is in the Common Law taken for a Writ or Action, which lies againſt a Man, that by Means of Office or Buſineſs undertaken, is to render an *Accompt* to another, and refuſeth; as a Bailiff towards his Maſter, or Guardian in Soccage towards his Ward, and the like; as you ſhall find particularized in *Fitz. Nat. Brev. fol.* 116. And by the Statute of *Weſtm.* 2. *cap.* 1. If the *Accomptant* be found in Arrear, the Auditors

Auditors that are aſſigned to him, have Power to award him to Priſon, there to remain, till he makes Agreement with the Party. But if an *Accomptant* be not allowed reaſonable Expence and Coſts, or charged with more Receipts than he ought, his next Friend may ſue a Writ of *Ex parte talis* out of the Chancery, directed to the Sheriff, to take four Mainpernors, to bring his Body before the Barons of the Exchequer at a certain Day, and to warn the Lord to appear there the ſame Day. See *F. N. B. fol.* 116.

Accord, That is, an Agreement between Two, or more, to ſatisfie a Treſpaſs or Offence done by one to another, for which he hath agreed to make Satisfaction, in Recompence; which ſhall be a good Bar in Law, if the other after the *Accord* performed, ſhould commence any new Action for the ſame Treſpaſs. *Terms de la ley, fol.* 14.

Accouped: His Conſcience *accouped* him thereof: From the *Latin* adculpare. *Pierce Ploughman, par.* 1. *fol.* 77.

Accroch, From the French *Accrocher* to fix, hook, claſp or grapple unto: This Word is uſed *Anno* 25 *Ed.* 3. *Stat.* 3. *cap.* 8. and ſignifieth there as much as to encroach, and the French uſe it for Delay, as, Accrocher *un proces*, to delay the Proceedings in a Suit for ſome Time. *Vide* Encroachment.

Accmannes Ceaſter, Accmanni Civitas. See *Bath.*

Acephali. In the Laws of *Hen.* 1. Thoſe are called *Acephali*, who were the Levellers of that Age, and acknowledged no Head or Superiour.

Achat, Cometh of the French *Achat*, *emptio* or *nundinatio*, and is taken to ſignify a Contract or Bargain, *Brook*, Tit. *Contract.* from whence haply *Purveyors* in 36 *E.* 3. were ordained to be called *Achators*, becauſe of their frequent Bargain-making; hence alſo with ſeeming Reaſon enough may be derived the Word *Cates*, ſignifying Proviſion bought in the Market for great Feaſts.

Acherſet, A Meaſure of Corn. The Monks of *Peterborough* had for their weekly Allowance 12 *Acherſetos de frumento*, & 8 *Acherſetos de braſio*, & 6 *de grad.* & 11 *Acherſetos de fabis*, &c. The learned Author of the Supplement to the Hiſt. of the Ch. of *Peterborough*, *p.* 274. conjectures this Meaſure to have been the ſame with our Quarter or Eight Buſhels.

Acholite, *Acholithus*, An inferiour Church-Servant who next under the *Sub-Deacon*, followed or waited on the *Prieſts* and *Deacons*, and performed the meaner Offices of lighting the Candles, carrying the Bread and Wine, and paying other ſervile Attendance. This Officer an *Acolite*, was in our old Engliſh called a *Colet*, from which Appellation came the Family of Dean *Colet*, Founder of *Paul*'s School.

Acknowledgment-Money, on the Death of a Landlord the Tenant pays a Sum of Money in Acknowledgment of the new Landlord.—*Solvet* 12 *d. ad recognitionem cujuſlibet novi Domini de Hope*, &c. *Ex libro Cart. Priorat. Leominſtriæ*, and called in Latin, *Laudativum vel Laudemium*, *a Laudando Domino.*

Acra, A Place or Feild where Oaks grow, from the *Sax.* Ac, *quercus* & Leag, *locus*, we find it in ſeveral Authors, *viz.* in *Aſſer*, in the Life of *Elfred*, in *Florence* of *Worceſter* 851. and in *Ethelward*, *lib.* 4. *Hiſt. Angl. cap.* 3. *Du Cange.*

Acquietantia de Shiris & Hundredis, To be free from Suit and Service in Shires and Hundreds, to which Purpoſe it is ſaid in *Regiſt. Priorat. de Cokesford, quod prior non debet facere ſectam ad Comitatum* Norwici *vel in* Hundredo *pro Manerio de* Rudham *cum pertin'.*

Acquietandis Plegiis, This Writ we find in the *Regiſter of Writs*, fol. 158. being in Truth a *Juſticies*, and lies for a Surety againſt a Creditor, that refuſeth to *acquit* him after the Debt is paid.

Acquietare. This ſays Dr. *Wilkins* in his *Gloſſary* is a Law-Word, and ſignifies *quietum reddere. Vide etiam Spelman Gloſſar. in voce.* It alſo ſometimes ſignifies to pay, as in *Monaſticon*, *Tom.* 1. *fol.* 199. *Tenentur hæredes teſtamenta patrum & aliorum prædeceſſorum ſuorum ſervare, & debita eorum* acquietare.

Acquittal, Is derived from the French *Acquitter*, as that from the Latin Compound *Acquietare*, and ſignifies in Law to diſcharge, or keep in quiet, and that the Tenant be ſafely kept from any Entries or Moleſtations for any Manner of Service iſſuing out of the Land to any Lord, that is above the Meſne; hereof we ſay, *Et quietus eſt*, that is, he is diſcharged. *Co.* on *Lit. lib.* 2. *Sect.* 184. It ſignifieth alſo ordinarily a Deliverance, and Setting free from the Suſpicion or Guilt of an Offence, as he that is diſcharged of a Felony by Judgment, is ſaid to be *acquietatus de felonia*, and if it be drawn in Queſtion again, he may plead, *auter foits* acquit. This is Two-fold, *Acquittal in Law*, and *Acquittal in Fact*; *Acquittal in Law* is, when Two are indicted, the one as Principal, the other as Acceſſory; the Principal being diſcharged, the Acceſſory by Conſequence is alſo *acquitted*, and in this Caſe, as the Acceſſory is *acquitted* by Law, ſo is the Principal in Fact. *Staundf. Pl. Cor.* 168. *Acquittal in Fact* is either by *Verdict*, or by *Battell*; By *Verdict*, when by a Jury he is found *Not Guilty* of the Offence whereof he is charged; By *Battel*, as when in Appeal, the Plaintiff yieldeth himſelf *Creant*, or vanquiſht in the Field; the Judgment ſhall be, that the Appellor ſhall go *quit*, and that he ſhall recover his Damages. *Co.* 2 *Inſt.* 385. *Acquittal* is alſo where there is Lord, Tenant and Meſne, and the Tenant holds Lands of the Meſne, and the Meſne holds over of the Lord paramount. Now the Meſne ought to *acquit* the Tenant of all Services claimed by any other for the ſame Lands; for the Tenant muſt do his Service to the Meſne only, and not to divers Lords for one Parcel of Land. See *Co. Litt. fol.* 100.

Acquittance, *Acquietantia*, cometh from the French *Quiter*, that is, *accepto ferre*, and ſignifieth a Releaſe or Diſcharge in Writing of a Sum of Money, or other Duty which ought to be paid or done. Alſo the Verb (*acquit*) the Participle (*acquitted*) and the Noun (*Acquittal*) ſignifie a Diſcharge or Clearing from an Offence objected, as *acquitted* by Proclamation. *Smith de Rep. Ang. pag.* 76. *Staundf. Pl. Cor.* 168. *Brook*, Tit. *Acquittal.* This Word differs from that which in the Civil Law is called *Acceptitatio*, becauſe that may be by Word without Writing, and is nothing but a fained Payment and Diſcharge, where no real Payment is had. Nor can it be ſaid to be *Apocha*, which is a Witneſſing the Payment or Delivery of Money, which diſcharges not, unleſs the Money be paid, *Terms de Ley*, verb. *Acquittance.* It was the common Form in Deeds of Sale, Gift or other Conveyance—*Nos autem*—*Warrantizabimus* acquietabimus & *defendemus in perpetuum. Pro hac autem warrantia*, acquietantia & *defenſione*— Hence to *quit* any Claim or Pretenſion, To get *quit* of any Danger or Trouble. *Quite*, i. e. perfectly or entirely, as *quite* diſcharged

quite Dead, &c. to *quite* or *quot*, to ſatisfy or to quiet, *His Stomach is quite quotted.*

Acre, From the Germain *Acker*, that is, *Ager*, is a Quantity of Land containing in Length forty Perches, and four in Breadth, or according to that Proportion; be the Length more or leſs; and if a Man erect any new Cottage, he muſt lay four *Acres* of Land to it after this Meaſure, *Anno* 31 *El. cap.* 7. With this Meaſure agrees *Crompton*, in his *Juriſdiction of Courts*, *fol.* 222. tho' he ſaith alſo, That according to the Cuſtoms of divers Countries the Perch differeth, being in ſome Places, and moſt ordinarily, but ſixteen Foot and a Half, but in *Staff.* twenty-four Foot, as was adjudged in the Exchequer in the Caſe between Sir *Ed. Aſton* and Sir *Joh. B.* In the Statute made concerning ſowing Flax, 34 *H.* 8. *c.* 4. eight-ſcore Perches make an Acre, which is forty multiplied by four. Alſo the Ordinance of Meaſuring Land 35 *Ed.* 1. agrees with this Account. The word *Acre* at firſt ſignified not a determined Quantity of Land, but any open Ground, eſpecially a wide Campaign from the Saxon *Æcer*, a Field, and this antique Senſe of it ſeems preſerv'd in the Names of Places; *Caſtle-Acre*, *Weſt-Acre*, &c. in *Com. Norf.* When the Word was applied to the Meaſure of Ground, the Quantity was ſtill various, but determined by the Stat. of 31 *Ed.* 35 *Ed.* 1, 24 *H.* 8. For the different Computation of *Acres*, obſerve this Note in a Terrier of the Eſtate belonging to the *Prior* and *Convent* of *Burceſter Com. Oxon. A. D.* 1339. 1 *H.* 4. *Quælibet Acra continet duas ſeliones cum omnibus Furlongiis —— Exceptis virgis & buttis quarum quatuor virgæ faciunt unam Acram, & aliquando plures. Similiter aliquando quatuor buttes, aliquando quinque, aliquando ſex, aliquando ſeptem, aliquando Octo faciunt unam Acram, &c. Paroch. Antiq. p.* 534. Note at the great Dooms-day Inquiſition, the common Paſture ſeems meaſured by *Hides*, the Arable-Land by *carucates*, and the Meadow by *Acres.*

Acre, An old Sort of Duel fought by ſingle Combatants, *Engliſh* and *Scotch*, between the Frontiers of their Kingdom with Sword and Lance. *Ex abuſu obtento de voluntate & mandato Domini Regis Angliæ & Scotiæ, non ſoluni ſimplices Clerici, ſed & Abbates & Priores in Diœceſi Karleoli, ſi appellati fuerint ab aliquo de Regno Scotiæ de re aliqua, & e converſo compelluntur cum Lanceis & Gladiis alias inermes duellum, quod dicitur* Acram *committere inter fores utriuſque regni —— Moneatis igitur utrumque Regem —— Quod tam deteſtabilis abuſio quoad perſonas Eccleſiaſticas non ſervetur.* Annal. Burton, *Sub. An.* 1237. Hence I conjecture, as this Sort of judicial Duelling was call'd *Camp-fight*, and the Combatants *Champions* from the open Field that was the Stage of Trial; ſo *Æcer* among the *Saxons* being the ſame with *Campus*, the Borderers on *Scotland*, who beſt retained the *Saxon* Dialect, called ſuch *Camp-fight*, *Æcer-Feoht*, *Acre-Fight*; and ſometimes ſimply *Acre.*

Acroiſia, *i. e.* Blindneſs. The right Word is *Acraſia*: But we find in the Monaſticon *pag.* 694. *Inter medios homines qui eis inſidias tetenderant, quaſi* Acroiſia *percuſſos, ad inſtar Eliſæi tranſierant.* Du Freſne.

Actilia, Military Utenſils. *Quilibet paratus ſit cum* Actiliis *& harneſſiis, &c. Et quicunque habet decem libras in bonis, & non habuerit omnia cremorum actilia, perdat omnia bona.* Du Freſne.

Action, *Actio*, is defined by *Bracton*, *lib.* 3. *c.* 1. & 3, in the ſame Manner as by *Juſtinian lib.* 4. *Inſtit. titulo de Actionibus*, viz. *Actio nihil aliud eſt quam jus proſequendi in judicio quod alicui debetur*, and is divided into *perſonalem*, *realem*, & *mixtam*, Co. *Inſt.* 2. *fol.* 40. A perſonal *Action* is that which one Man may have againſt another, by Reaſon of any Contract for Money or Goods, or for any Offence done by him, or ſome other, for whoſe Fact he is anſwerable. *Bract. lib.* 3. *cap.* 3. *nu.* 2. A real *Action* is defined to be, whereby a Defendant claims Title to have a Freehold in any Lands or Tenements, Rents or Comons, in Fee-ſimple, Fee-tail, or for Life. *Bract. ibid nu.* 3. And every *Action* real is either *Poſſeſſory*, that is, of his own Poſſeſſion and Seiſin, or *Auncęſtrel* of the Seiſin or Poſſeſſion of his Anceſtor. *Co. lib.* 6. *fol.* 3. *Writs of Right*, *Writs of Entry*, &c. and their ſeveral Appendixes, as *Grand cape*, *Petit-cape*, *Receipt*, *View*, *Ayd-Prayer*, *Voucher*, *Counter-plea of Voucher*, *Counter-plea of Warranty*, *and Recovery of Value*, being real *Actions*, took Place, and ſwell'd the Titles of our Year-Books heretofore, but now grown much out of Uſe.

Action mixt, Is that which lieth as well againſt or for the Thing which we ſeek, as againſt the Perſon that hath it, and is called *Mixt*, as having a Reſpect both to the Thing and the Perſon, *Bract. lib.* 3. *ca. nu.* 5. For Example, The Diviſion of an Inheritance between Co-heirs, or Copartners, called in the Civil Law (*Actio familiæ exciſcundæ*:) Secondly, The Diviſion of any particular Thing being common to more, called alſo (*Actio de communi dividendo*) which *Bracton*, *Cujacius*, *Weſenbachius*, allowed to be mixt: Of which *Britton* diſcourſeth at large in his 71 Chap. In *the Terms of the Law*, verb. *Action mixt*, it is ſaid to be a Suit by the Law, to recover the Thing demanded, and Damages for the Wrong done; as in Aſſize of *No. Diſſ.* which Writ, if the Diſſeiſor make a Feoffment to another, the Diſſeiſſee ſhall have againſt the Diſſeiſor, and the Feoffee, or other Tenant, and thereby ſhall recover Seiſin of his Land, and Damages for the mean Profits, and the Wrong done; and ſo is an *Action* of Waſte, and *Quare Imp.*

Action, Is alſo divided by the Civilians into *Civilem & Prætoriam*, whereof one ariſeth out of the Civil Law in general, the other from ſome *Prætorian* Edict. And a Diviſion not unlike this may be made in the Common Law of *England*, one Part growing from the ancient Cuſtoms, the other from the Statute. *Bro.* Tit. *Action ſur. le Stat.*

Actions, Alſo are divided into Civil, Penal and Mixt. 6 *Co. fol.* 61. *a. Action* Civil is that which tends only to the Recovery of that which by Reaſon of any Contract, or other like Cauſe, is due to us: As if a Man by *Action* ſeek to recover a Sum of Money formerly lent, &c.

An Action Penal, Aims at ſome Penalty or Puniſhment in the Party ſued, be it Corporal or Pecuniary: As in the Action *Legis Aquiliæ*, in the Civil Law; and in the Common Law, the next Friends of a Man felonioufly ſlain or wounded, ſhall purſue the Law againſt the Offender, and bring him to condign Puniſhment. *Br. l.* 3. *c.* 4.

Action mixt, Seeks both the Thing whereof we are deprived, and a Penalty for the unjuſt Detention. As in an Action for Tithes upon the Stat. of 2 & 3 *E.* 6. *cap.* 13. *Item eſt alia Actio mixta, quæ dicitur Actio Hirciſcundæ, & locum habet inter eos qui communem habent hæreditatem, &c.* See *Co.* on *Lit. fol.* 262. *b.*

Action,

Action, Is alſo (according to the Form of the Writ) divided into ſuch as are conceived to recover either the ſimple Value of the Thing challenged, or the Double, Treble, or Quadruple. *Bract. lib.* 3. *cap.* 3. *nu.* 6. So doth a *Decies tantum* lie againſt *Embraceors*. F. N. B. *fol.* 171. And againſt Jurors that take Money for their Verdict of either or both Parties: And any other *Action* upon a Statute that puniſhes any Offence by Reſtitution, or Fine proportionable to the Tranſgreſſion.

Action, Alſo is *Prejudicial*, (otherwiſe called *Preparatory*) or *Principal*. *Prejudicial*, is that which grows from ſome Doubt in the Principal: As if a Man ſue his younger Brother for Land deſcended from his Father, and it is objected, that he is a Baſtard. *Bract. lib.* 3. *cap.* 4. *num.* 6. For this Point of Baſtardy muſt be tried, before the Cauſe can further proceed, and therefore termed *præjudicialis, quia prius judicanda.*

Action, Is either *Auncestrel* or *Perſonal*, *Staundf. Pl. Com.* 59. *Auncestrel* ſeems to be that which we have by ſome right deſcending from our Anceſtor: And that Perſonal, which has beginning in and from our ſelves. There is alſo *Action Auncestrel Droiturel*, and *Action Auncestrel Poſſeſſory*, which ſee in *Co.* 2. *Inſt. f.* 291.

Action upon the Caſe, *Actio ſuper caſum*, Is a general *Action* given for Redreſs of Wrongs done without Force againſt any Man, and by Law not eſpecially provided for; for when you have any Occaſion of Suit, that neither hath a fit nor certain Form preſcribed; then the Clerks of the Chancery in ancient Time conceived a fit Form of *Action* for the Fact in Queſtion, which the Civilians call *Actionem in factum*, and the Common Lawyers, *Actionem ſuper caſum*. And whereas in the Civil Law, there are two Sorts of theſe *Actions*; one termed *Actio in factum præſcriptis verbis*; the other, *Actio in factum prætoria*; the Former grounded upon Words paſſed in Contract; the other more generally upon any Fact touching either Contract, or Offence, formerly not provided againſt: This *Action* upon the Caſe ſeemeth more to reſemble the *Actio Prætoria in factum*, than the other; becauſe in the Peruſal of the Book of *Entries*, & *Bro.* Abridgment, I find that an *Action* upon the Caſe lieth as well againſt Offenees, as Breach of Contract. See more of this in *Treſpaſs.*

Action upon the Statute, *Actio ſuper Statutum*, Is brought upon the Breach of a Statute, whereby an *Action* is given that lay not before; as where one commits Perjury, to the Prejudice of another, he who is endamaged, ſhall have a Writ upon the Stat. that is, where the Stat. gives the *Suit* or *Action* to the Party grieved, or otherwiſe to one Perſon certain: And this *Action* ſeems to be like any *Action* in the *Law Imperial*, either upon *Edictum Prætoris, Plebiſcitum*, or *Senatus conſultum*; for as the *Prætor*, ſo the common People *in Comitiis*, and the Senators or Nobility, *in Curia* or *Senatu*, had Power to make Laws, whereupon the Prætor, or other Judges permitted *Action*: So our High Court of Parliament make Stat. againſt ſuch Offenees as are either newly grown, or more and more encreaſed, and the Judges are obliged to entertain their Pleas that commence *Actions* againſt the Breakers of them.

Action, Is perpetual or temporal (*perpetua vel temporalis*) and that is called perpetual, whoſe Force cannot be determined by Time; of which ſort were all civil *Actions* among the *Romans, viz.* Such as grew from Laws, Decrees of the Senate or Conſtitutions of the Emperors, whereas *Actions* granted by the Prætor, fell within the Year. So we have in *England* perpetual and temporary *Actions*: And indeed all *Actions* may be called *perpetual*, that are not expreſly limited. As divers Statutes give *Action*, ſo they be purſued within the Time by them preſcribed: As for Example, the Statute of 1 *Ed.* 6. *cap.* 1. gives *Action* for 3 Years after the Offences committed, and no longer. And the Statute 7 *H.* 8. *cap.* 3. doth the like for four Years; and that of 31 *El. cap.* 5. for one Year and no more; and the Act for Uniformity, 14 *Car.* 2. *cap.* 4. limits ſome Things to two, ſome to three Months, and ſome to more. But as by the Civil Law, no *Actions* were at laſt ſo perpetual, but that by Time they might be preſcribed againſt; ſo in our Common Law, tho' *Actions* may be called perpetual, in Compariſon of thoſe that be expreſly limited by Statute, yet there is a Means to preſcribe againſt real *Actions* within five Years, by a Fine levied, or a Recovery ſuffered; as you may ſee further in the Words *Fine* and *Recovery*, and alſo *Limitation of Aſſize.*

Action popular, Is given upon the Breach of ſome Penal Statute, which every Man that will, may ſue for himſelf and the King, by Information, or otherwiſe: And becauſe this *Action* is not given to one eſpecially but generally to any of the King's People that will ſue, it is called an *Action popular*; but in this Caſe, when one hath begun to purſue an *Action*, no other may ſue it; and in this as it ſeems, it varies from an *Action popular* by the Civil Law. *Terms de Ley.*

Action, Is farther divided into *Actionem bonæ fidei & ſtricti juris*, which Diviſion hath good Uſe in the Common Law, tho' the Terms are not to be found in any of their Writers; therefore we refer them to the Civilians, and particularly *Weſemb.* in his *Paratitles, De Oblig. & act.*

Action of a Writ, Is a Phraſe of Speech uſed when one pleads ſome Matter, by which he ſhews the Plaintiff had no Cauſe to have the *Writ* he brought, yet it may be that he may have another *Writ* or *Action* for the ſame Matter. Such a Plea is called *a Plea to the Action of the Writ*; whereas, if by the Plea, it ſhould appear that the Plaintiff hath no Cauſe to have an *Action* for the Thing demanded, then it ſhall be called *a Plea to the Action. Terms de Ley.*

Acto, *Acton, Aketon.* A Coat of Mail. *Ex Gallico* Hoqueton, *aut* Hauqueton, *ſeu potius ex Cambro-Britannico* Actwm, *Lorica, Dupla, Duplodes*, Du Freſne. ——Tho. Walſingh. *in* Ed. 3. *Indutus autem fuit Epiſcopus quadam armatura, quam* Aketon *vulgariter appellamus. Stat.* Rob. 1. *Regis Scot.* cap. 27. *Quilibet habent in defenſione regni unum ſufficientem* Actonem; *unum baſinetum, & chirothecas de guerra.*

Acton Burnel, A Statute ſo called, made 13 *E.* 1. *An.* 1285. ordaining the *Statute Merchant*, and was ſo termed from a Place named *Acton Burnel*, where it was made, being a Caſtle ſometime belonging to the Family of *Burnel*, afterwards of *Lovel*, in *Shropſhire.*

Acts of Parliament, Are poſitive Laws, which conſiſt of two Parts, that is, the Words of the *Act*, and the Senſe and Meaning, which both joined together make the Law.

Actor, The Proctor or Advocate in Civil Courts or Cauſes. *Actor Dominicus*, was often uſed for the Lord's Bailiff, or Attorney. *Actor Eccleſiæ*, was ſometime the Forinſick Term for the

the Advocate or Pleading Patron of a Church. *Actor villæ* was the Steward or Head Bailiff of a Town or Village.

Actuary, (*Actuarius*) Is the Clerk or Scribe, that registers the Canons and Constitutions of the Convocation: Also an Officer in the Court Christian, who is in Nature of a Register.

Adcredulitare, to purge himself by Oath: *Qui in Collegio fuerit, ubi aliquis occisus est*, adcredulitet *se quod eum non percussit. Leges Inæ. cap.* 36. *apud Brompton*; *cap.* 34. *apud Wilkins*, who interprets it *justificet se.*

Addition, (*Additio*) Is both the *English* and *French* Word made of the *Latin*, and signifieth in our Common Law, a Title given to a Man besides his Christian and Surname, shewing his Estate, Degree, Mystery, Trade, Place of Dwelling, &c. As for Example, *Additions* of Estate are *Yeoman*, *Gentleman*, *Esquire*, and such like; *Additions* of Degree, are Names of Dignity, as *Knight*, *Earl*, *Marquess*, *Duke*: *Additions* of Mystery, are *Scrivener*, *Painter*, *Mason*, *Carpenter*, and all other of like Nature; for Mystery is the Craft or Occupation, whereby a Man gets his Living: *Addition* of Towns, as *London*, *Kingston*, *Chester*, &c. and where a Man hath a Houshold in two Places, he shall be said to dwell in both of them; so that his *Addition* in either shall suffice. That the Word *Knave* was antiently an *Addition*, see *Knave*. For the Use of these *Additions* in Original Writs, of Actions Personal, Appeals and Indictments, it is provided by the Statute 1 *H.* 5. *cap.* 5. that in Suits or Actions, where Proces of *Utlary* lies, such *Additions* should be to the Name of the Defendant, to shew his Estate, Mystery, and Place where he dwells; and that Writs not having such *Additions*, shall abate, if the Defendant take Exception thereto, but not by the Office of the Court; and this was ordained by that Statute, that one Man might not be vexed or troubled by the *Utlary* of another, but that by reason of the certain *Addition*, every Person may be known, and bear his own Burden: For more particular *Additions* of Town, See *Bro.* Tit. Addition. See also *Crompton Just. of Peace*, *fol.* 95, 96. *Co.* 2 *Part Inst. fol.* 595 & 666. and Stat. 27 *El. cap.* 7.

Addoubors. See *Redoubers.*

Adeling, Or *Etheling*, from the Saxon *Ædelan*, or the Dutch *Edel*, signifying Excellent, and was a Title of Honour among the *Angles*, properly pertaining to the King's Children, and Successors of the Crown; whereupon King *Edward* the Confessor being himself without Issue, and intending to make *Edgar* (to whom he was great Unkle by the Mother's side) the Heir of his Kingdom, gave him the Honourable Stile of *Adeling*. *Rog. Hovenden*, *parte poster. suor. Annal. fol.* 347. *a. Vide etiam Leges Sancti Ed. Conf. M. S. a Will. Conq. recept. cap. antepenult.* It was usual with the *Saxons* to join the Word *Ling*, which signify'd a Son, or the younger, to the Christian Name; as *Edmundeling* for the Son of *Edmund*; so that *Adeling* signify'd the Son of a King. See more of this Word in *Spelman's Glossary.*

Adhamire, adramire, arriamare, to promise or oblige himself before a Magistrate to do a Thing. *Du Fresne.*

Ad inquirendum, Is a Writ *Judicial*, commanding Inquiry to be made of any thing touching a Cause depending in the King's Court for the better Execution of Justice; as of *Bastardy*, *Bondmen*, and such like; whereof see great Diversity in the Table of the *Judicial Register*, verbo *Ad inquirendum.*

Adjournment, (*Adjournamentum*) the same with the French *Adjournement*; and signifies *denunciatio*, or *diei dictio*, that is, by our Common Law an Assignment of a Day, or a putting off until another Day and Place. So Adjournment in *Eyre* (25 *E.* 3. Statute of *Purveyors*, *cap.* 18.) is an Appointment of a Day, when the Justices in *Eyre* mean to sit again; and *Adjournment* hath the same Signification in 2 *E.* 3. *cap.* 11. See *Bro. Abridg.* Tit. *Adjournment.* The Bastard Latin Word (*adjournamentum*) is used among the *Burgundians*, as Mr. *Skene* notes in his Book *de verbo Signif. verbo* Adjournatus, out of *Cassanæus de consuet. Burg.* See *Prorogue.*

Adiratus; *i. e.* A Price or Value set upon Things stoln or lost, as a Compensation to the Owner, *viz. Poterit enim rem suam petere ut* adiratam *per testimonium proborum hominum. Bracton*, *lib.* 3. *tract.* 2. *cap.* 32. So in *Fleta*, *lib.* 1. *cap.* 38. *Poterit rem sum petere civiliter ut* Adiratam, &c.

Adjudication, (*Adjudicatio*) A Settlement by Judgment, Decree or Sentence. 16 & 17 *Car.* 2. *cap.* 10.

Ad jura Regis, Is a Writ that lies for the *King's* Clerk against him that sought to eject him, to the Prejudice of the *King's Title* in Right of his Crown. *Reg. of Writs fol.* 61. *a.*

Adlegiare, otherwise *Aleier* in Fr. is to purge himself of a Crime by Oath. In the Laws of King *Alfred*, *in Brompt. Chron. cap.* 4. *Si se velit* adlegiare, &c. *cap.* 13. *Si accusetur*, *inde* adlegiet *se per Sexaginta hidas*, &c. *Du Cange.*

Admeasurement, (*Admensuratio*) Is a Writ which lyeth for the bringing of those to Reason, or a Mediocrity, that usurp more than their Part; and it lies in two Cases; one is termed *Admeasurement of Dower*, *Admensuratio dotis*, where the Widow of the deceased holdeth from the Heir or his Guardian, more in the Name of her Dower, than of Right is belonging unto her, *Regist. Orig. fol.* 171. *a. Fitzherb. Nat. Brev. fol.* 148. in which Case the Heir shall be restored to the Overplus. The other is, *Admeasurement of Pasture*, *Admensuratio Pasturæ*, which lies between those that have Common of Pasture appendant to their Freeholds or Common by Vicinage, in Case any one or more of them do surcharge the Common with more Cattle than they ought. *Reg. Orig. fol.* 156. *b. F. N. B. fol.* 125. This Writ lies not for the Lord, nor against the Lord, but the Lord may distrain the Beasts of the Tenant that are Surplusage: But if the Lord overcharge the Common, the Commoner hath no Remedy by the Common Law, but an Assize of his Common. *Terms de la ley* 24.

Adminicle, (*Adminiculum*) Aid or Support. *Anno* 1 *Ed.* 4. *cap.* 1.

Administrator, (*Administrator* in Lat.) Is in the Sense of our Common Law taken for one that hath the Goods of a Man dying intestate, committed to his Charge by the Ordinary, and is accountable for the same, whenever it shall please the Ordinary to call him thereto. In this peculiar Sense, this Word is not used in all the Civil or Canon Law, but more generally for those that have the Government of any Thing. However the Signification came to be restrained among us, it matters not. But there is a Statute made 31 *E.* 3. *cap.* 11. whereby Power was given to the Ordinary, to appoint these Administrators, and to authorize them as fully as Executors, to

gather up and diſpoſe the Goods of the deceaſed, ſo as they ſhould be accountable for the ſame as Executors. And before that by the Statute *Weſtm.* 2. 13 *E.* 1. *cap.* 19. it was ordained, That the Goods of Perſons dying inteſtate, ſhould be committed to the Ordinary's Diſpoſition, who ſhould be bound to anſwer his Debts as far as his Goods would extend. Againſt ſuch an *Adminiſtrator*, and for him, an Action will lye as for an *Executor*, and he ſhall be charged to the Value of the Goods and no farther, unleſs by his own *falſe Plea* or by waſting the Goods of the deceaſed. If the *Adminiſtrator* die, his Executors are not *Adminiſtrators*; but it behoves the Ordinary to commit a new Adminiſtration. And if a Stranger, that is not *Adminiſtrator* or Executor, take the Goods of the Deceaſed, and adminiſter of his own Wrong, he ſhall be charged and ſued as an *Executor*, and not as *Adminiſtrator*; but if the Ordinary make a Letter, *Ad colligendum bona defuncti*, he that hath ſuch a Letter, is not *Adminiſtrator*; but the Action lies againſt the Ordinary, as if he had the Goods in his own Hand. *Terms de ley* Tit. *Adminiſtrator.*

Adminiſtrator durante minore ætate, Cannot ſell the Goods of the Deceaſed, unleſs it be of Neceſſity, for Payment of Debts, or *bona peritura*, for he hath his Office *pro bono & commodo* of the Infant, and not for his Prejudice, and his Adminiſtration ceaſeth at the Infant's Age of Seventeen Years. *Co.* 5. *Rep. Prince's* Caſe. Where one hath Goods only in an inferior Dioceſe, yet the Metropolitan of the ſame Province pretending that he had *bona notabilia* in divers Dioceſes, commits *Adminiſtration*; this is not void, but voidable by Sentence, becauſe the Metropolitan hath Power over his whole Province; but if the Ordinary of a Dioceſe commit *Adminiſtration*, when the Party hath *bona notabilia*, ſuch *Adminiſtration* is meerly void, becauſe by no Means he can have Juriſdiction of the Caſe.

Adminiſtratrix, (Lat.) She that hath ſuch Power and Goods committed to her.

Admiral, (*Admiralius*, *Admirallus*, *Admiralis*, *Capitaneus*, or *Cuſtos maris*) and derived of the French *Amiral*, ſignifies both with them and with us, a high Officer or Magiſtrate, that hath the Government of the King's Navy, and the hearing of all Cauſes belonging to the Sea. *Cromp. Jur. fol.* 88. *An.* 13 *R.* 2. *Cap.* 15. 15 *R.* 2. *cap.* 3. 2 *H.* 4. *cap.* 11. 2 *H.* 4. *cap.* 6. 23 *H.* 8. 15. This Officer is in all Kingdoms of *Europe* that border upon the Sea. This Magiſtrate among the *Romans* was called *Præfectus claſſis*, as appeareth by *Tully*, in *Verrem.* 7. Mr. *Guin*, in his *Preface to his Reading*, believes this Office was firſt created in the Time of *Ed.* 3. his Reaſon is this, becauſe *Britton* that wrote in *Ed.* the Firſt's Time, in the Beginning of his Book, taking upon him to name all the Courts of Juſtice, makes no Mention of this Court, or Magiſtrate; and *Richard* the Second in the Tenth Year of his Reign, limited his Juriſdiction to the Power he had in his Grandfather *Ed.* 3. his Days. But contrary to this, it appears by ſome antient Records, that not only in the Days of *Edward* the Firſt, but alſo of King *John*, all Cauſes of Merchants and Mariners, and Things happening within the main Sea, were ever tried before the Lord *Admiral*. To this Purpoſe he hath his Court call'd *The Admiralty*: He hath Cognizance of the Death or Mayhem of a Man committed in any great Ship riding in great Rivers, beneath the Bridges of the ſame next the Sea; alſo to arreſt Ships in great Streams, for the Voyages of the King and Realm, and hath Juriſdiction in ſuch Streams during the ſaid Voyages. And Mr. *Pryn* in his *Animadverſions* on *Co. Inſt.* 4. *pa.* 75. ſays, he had Juriſdiction, both within and without the King's Dominions, of all Cauſes both of Merchants and Mariners, and might judge them in a ſummary way, according to the Laws of *Oleron*, and other Sea-Laws. The firſt Title of *Admiral of England* expreſly conferr'd upon a Subject, was given by Patent of *Rich.* 2. to *Richard Fitz-Alen*, Jun. Earl of *Arundel* and *Surrey*, 10 *Sep. An.* 10. *Rich.* 2. For thoſe who before enjoy'd the Office were ſimply term'd *Admirals*, though their Juriſdiction ſeems as large, eſpecially in the Reign of *Ed.* 3. when the *Court of Admiralty* was firſt erected. *Vid.* Spelman *in voce*, who gives a Catalogue of the *Admirals* from 8 *Hen.* 3. to 16 *Jac.* 1. This Officer in our old Records is ſtyled *Capitaneus Marinariorum.*

Admiſſion, Is when the Patron preſents to a Church, being void, and the Biſhop upon Examination, admits the Clerk able, by ſaying *Admitto te habilem. Co.* on *Lit. fol.* 344. *a.*

Admittendo clerico, Is a Writ granted to him that hath recovered his Right of Preſentation againſt the Biſhop, in the *Common Bench*, the Form of which you may have in *F. N. B. fol.* 38. And *Reg. Orig. fol.* 33. *a.*

Admittendo in Socium, Is a Writ for the Aſſociation of certain Perſons to Juſtices of Aſſize before appointed. *Reg. Orig. fol.* 206. *a.*

Adnichiled, 28 *H.* 8. *cap.* 7. From the Lat. *Nihil*, or as it was written of old *Nichil*, ſignifies annulled, made void, or brought to nothing.

Ad Pontem, *Paunton* in *Lincolnſhire.*

Adquietare, Is the ſame as *acquietare*, i. e. to pay: *Petitum eſt ut Clerus* adquietaret *novem millia Marcarum. Matt. Pariſ. Anno* 1287.

Ad quod Damnum, Is a Writ that lies to the Sheriff, to inquire what Damage it may be to others for the King to grant a *Fair* or *Market*; or for the King, or any other Perſon to give any Lands holden in Fee-ſimple, in *Mortmain*, to any Houſe of Religion, or other Body Politick; for in that Caſe the Land is ſaid to fall *in manum mortuam*, into a dead hand; that is, it is in ſuch an Eſtate and Condition, that the Chief Lords loſe all hope of *Heriots*, *Service* of Courts and *Eſcheats* upon any traiterous or felonious Offence committed by the Tenant; for a Body politick dieth not, neither can perform perſonal Service, or commit Treaſon or Felony, as a ſingle Perſon may. And therefore it ſeems convenient, that before any ſuch Grant be made, it be known what Prejudice it is like to work either to the Grantor or others. *Fitz. Nat. Brev. fol.* 221. *Terms de ley* 25. Vide *Mortmain.*

Adzamire, Vid. to *Arrain.*

Adzectare, *Addretiare*, *Addreſſare*, i. e. *ad rectum ire*, *recto ſtare*, To ſatisfy, to make Amends—*Gervas Dorobern. ſub anno* 1170. *Quod erunt coram Domino Rege die quem eis conſtituerit, ad rectum faciendum &* addretiandum *ei, & hominibus ſuis quod* addretiare *debuerunt.* Hence the *French* ſtill uſe the Word *Addreſſer* in this Senſe, *To do right.*

Ad terminum qui præteriit, Is a Writ of Entry, that lies where a Man having leaſed Lands or Tenements for Term of Life or Years, and after the Term expired, is held from them by the Tenant, or other Stranger, that occupieth the ſame, and deforceth the Leſſor: In ſuch

Caſe this Writ lies for the Leſſor and his Heirs. *Fitzh. Nat. Brev. fol.* 201.

Advent, Is a Time compriſing a Month, or thereabouts, and begins upon the Sunday, that falls either upon St. *Andrew*'s Day, being the 30th of *November*, or next after it, and continues till the Feaſt of the Nativity of our Lord, commonly call'd *Chriſtmas*. *Durandus* tells us it was inſtituted by St. *Peter*. The firſt Week in *Advent* is that which is fartheſt from the Feaſt of the Nativity; and that which is neareſt, is that which is the laſt, as appears by this Diſtich;

Andreæ *feſto vicinior, ordine quovis,*
Adventum *Domini feria prima colit.*

But Sir *Edward Coke*, 2 *Part Inſt. fol.* 265. miſtakes in ſaying it ends eight Days after the *Epiphany*; herein our Anceſtors repoſed much Reverence and Devotion, in regard of the near Approach of that ſolemn Feaſt; inſomuch that it is ſaid, *Inter Plac. de tempt. Regis Johan. Ebor.* 126. that *In adventu Domini nulla aſſiſa debet capi*, all Contentions in Law, were then remitted. Whereupon there was a Statute made *Anno* 3 *E.* 1. being *Weſtm.* 1. *cap.* 48. that notwithſtanding the ſaid uſual Solemnity, it might be lawful (in reſpect of Juſtice and Charity, which ought at all Times to be regarded) to take Aſſiſes of *Novel Diſſeiſin*, *Mortdanceſter*, and *Darrein Preſentment* in the Time of *Advent*, *Septuageſima* and *Lent*. This is alſo one of the Times from the Beginning whereof to the End of the Octaves of the *Epiphany*, the Solemnizing of Marriage was forbidden, by reaſon of certain Spiritual Joy that the Church ought to conceive in the Remembrance of her Spouſe, *Chriſt Jeſus*, and was not without ſpecial Licence to be entertained, according to the old Verſes,

Conjugium Adventus *prohibet*, Hilariq; *relaxat*;
Septuagena *vetat*, *ſed* Paſchæ *octavo reducit*;
Rogatio *vetitat*, *concedit* Trina Poteſtas.

Vide *Rogation*-Week and *Septuageſima*. This Solemn Feaſt had its Name of *Advent*, becauſe it did ſo immediately precede the Appearing of our Lord, and therefore was *præparatio ſancta in Adventum Domini*.

Ad ventrem inſpiciendum, Is a Writ mentioned in the Statute of Eſſoins. 12 *E.* 2. See more in the Title *Ventre inſpiciendo*.

Adverare, To *Aver*, to affirm or make good.

Adultery, (*Anno* 1 *H.* 7. *cap.* 4. and in divers other both Places and Authors termed *Advowtry*) in Latin *Adulterium* (as it were *Ad alterius thorum aſcendere*) is properly the Sin of Incontinence between two married Perſons; yet if but one be married, it is *Adultery*, which is ſeverely puniſh'd by the Laws of God, and the antient Laws of the Land; not to mention the *Julian* Law, among the old *Romans*, which made it Death. *Edmundus Rex Adulteriuni affici juſſit inſtar homicidii* LL. *ſuarum cap.* 4. *Canutus Rex hominem adulterum in exilium relegari juſſit, fœminam naſum & aures præcidi.* LL. Par. 2. cap. 6. & 50. *Qui uxoratus faciet Adulterium, habet Rex vel Dominus ſuperiorem, Epiſcopus inferiorem.* LL. Hen. 1. cap. 12. *Domeſday. Tit.* Chent, Rex, Dover.—— *De* Adulterio *per totam* Chent, *habet Rex hominem, Archiepiſcopus mulierem, exceptâ terrâ Stæ. Trinitatis, S. Auguſtini, & S. Martini, de quibus Rex nihil habet. Et tit.* Ceſtre Civitas— *Vidua, ſi ſe non legitime commiſ ebat xx s. emendebat, puella vero x s.* The Penalty of this Sin was called Lairwite by our *Saxons*. See in 2 *Part Coke's Inſtit.* the notable Caſe of *Margaret*, the Wife of *John de Camois*, who, with the Conſent of her Husband, lived in Adultery with Sir *William Panell*, yet loſt her Dower. See *Dower*. —*Rex—Vic. Southt.*—*Præcipimus tibi quod diligenter inquiri facias per legales homines de Viſn.* Candeur. *ſi* Robertus Pincerna, *habens ſuſpectum* Will. Wake *qui cum uxore ſua* Adulterium *committeret, prohibuit ei ingreſſum domus ſuæ, & ſi idem* Will. *poſt prohibitionem illam, domum ipſius* Roberti *ingreſſus* Adulterium *prædictum commiſit, inde prefatus* Robertus *mentuâ eum privavit, & ſi Inquiſitio dederit, quod ita ſit, tunc eidem* Roberto & *ſuis qui cum eo erant ad hoc faciend. ter. & catalla ſua, occaſione illâ in manum noſtram ſeiſita, in pace eſſe facias, donec aliud inde tibi præcipimus, & veritatem illius inquiſitionis G. fil. Petri Juſtic. & Baronibus noſtris de Scacc. ſcire fac. Teſte G. fil. Petri Com.* Eſſex, *apud Wadeſtoke.* 3 *Nov.*—Clauſ. 14 Joh. m. 2. Perhaps this might be in ſome Degree, purſuant to a Law made by *William* the Conqueror, *That whoever forced a Woman, ſhould loſe his Genitals.*

Advocate, The Eccleſiaſtical or Church *Advocate* was of two Sorts. Either 1. *Advocate* of the Cauſes and Intereſt of the Church, retain'd as a Counſellor and Pleader, to maintain the Properties and Rights; Or, 2. Advocate or Patron of the Preſentation and Advowſon. Both theſe Offices did originally belong to the ſame Founder of a Church or Convent, and his Heirs, who were bound to protect and defend the Church, as well as to nominate or preſent to it. As *Ailwin* Founder of *Ramſey* Abby,—*Proruit in Medium, ſe Rameſienſis Eccleſiæ advocatum, ſe poſſeſſionum ejus tutorem allegans. Lib. Rameſ. Sect.* 49. But when the Patrons grew negligent, or were Men of no Intereſt or Ability in the Courts of Juſtice, then the Religious began to retain a Law-*Advocate*, to ſolicit and proſecute their Controverſial Cauſes. *Vid.* Spelman in *voce*.

Advocatione decimarum, Is a Writ that lieth for the Claim of the fourth Part, or upward, of the Tithes that belong to any Church. *Reg. Orig. fol.* 29. *b*.

Advow, *Alias* Avow, *advocare*, cometh of the *French* Word *Advouer*, alias *Avouer*, and ſignifieth as much as to juſtify or maintain an Act formerly done: For Example, One takes a Diſtreſs for Rent, or other Thing, and he that is diſtrained ſueth a Replevin; now he that took the Diſtreſs, or to whoſe Uſe the Diſtreſs was taken by another, juſtifying or maintaining the Act, is ſaid to *avow*, *Termes de Ley* 73. Hence comes *Advowant* and *Advowry*, *Old. Nat. Brev. fol.* 43. *Bracton* uſes the *Latin* Word in the ſame Signification (as *Advocatio Diſſeiſinæ*) *lib.* 4. *cap.* 26. and *Caſſaneus*, *de conſuet. Burg. pag.* 1210. uſes *advocare* in the ſame Signification. And *pag.* 1213. the Subſtantive *deſavohamentum*, for a Diſavowing, or Refuſal to avow. The Signification of the Word is to bring forth any Thing, *viz.* when ſtoln Goods were brought by one, and ſold to another, it was lawful for the right Owner to take them where-ever they were found, and he in whoſe Poſſeſſion they were found, was bound *advocare*, *i. e.* to produce the Seller to juſtify the Sale; and ſo on till they found the Thief. Afterwards the Word was taken for any Thing which a Man acknowledged to be his own, or done by him, and

in this Senſe 'tis mentioned in *Fleta*, *lib.* 1. *cap.* 15. *Par.* 4. *Si Vir ipſum in Domo ſuâ ſuſceperit, nutrierit & advocaverit filium ſuum.*

Advower, *alias* **Avowe**, (*advocatus*) is uſed for him that hath Right to preſent to a Benefice, *Anno* 25 *Edw.* 3. *Stat.* 5. Where we find alſo *Advowee Paramount*, for the higheſt Patron, and is ſpoken of the King. *Advocatus eſt ad quem pertinet jus* Advocationis *alicujus Eccleſiæ, ut ad Eccleſiam, nomine proprio non alieno, poſſit præſentare. Fleta, lib.* 5. *cap.* 14. *Fitzh. Nat. Br. fol.* 39. uſeth it in the ſame Signification. See *Avowee.*

Advowee Paramount. See *Advowee.*

Advowtry. See *Adultery.*

Advowſon, Or Advowſon, *Advocatio* ſignifieth in our Common Law a Right to preſent to a Benefice, and is as much as *jus Patronatus* in the *Canon Law:* The Reaſon why it is ſo termed, proceedeth from this, becauſe they that originally obtained the Right of Preſenting to any Church, were Maintainers of, or great Benefactors to that Church, either by Building, or increaſing it; and are therefore ſometimes termed *Patroni*, ſometimes *Advocati*, and ſometimes *Defenſores*, *cap.* 4. & 2. *de jure Patronatus in Decretal.* And *Advowſon* being an old Baſtard *French* Word, is uſed for the Right of Preſenting, as appeareth by the Statute of *Weſt.* 2. 13 *Ed.* 1. *c.* 5. And *Advowry* is uſed in the ſame Senſe, in the Statute of Proviſors, 25 *Ed.* 3. Now *Advowſon* is of two Sorts: Firſt, *Advowſon in groſs*; that is, ſole or principal, not belonging to any Manor, as a Parcel of its Right; and ſecondly, *Advowſon appendant*, which depends upon a Manor, as appurtenant to it; termed therefore by *Kitchin* an *Incident*, that it may be ſeparated from the Subject. Of this Mr. *John Skene*, *de verbor. Sign.* hath theſe Words, *Dicitur* Advocatio *Eccleſiæ, vel quia Patronus alicujus Eccleſiæ ratione ſui juris* advocat *ſe ad eandem Eccleſiam & aſſerit ſe in eadem habere jus Patronatus, eamque eſſe ſui quaſi clientis loco; vel potius cum aliquis* (*nempe Patronus*) advocat *alium jure ſuo ad Eccleſiam vacantem, eumque loco alterius* (*veluti defuncti*) *præſentat, & quaſi exhibet.* No Church could be canonically conſecrated, without an Allotment of Manſe and Glebe, made generally by the Lord of the Manor, who thereby became *Advocate* or *Patron* of that Church; ſo as the Lordſhip of the Manor, and Patronage of the Church were rarely in different Hands, till *Advowſons* were unhappily given to Religious Houſes. It had been more to the Honour of this Church and Nation, if *Advowſons* had all continued appendant to the *Manor.* For then the Patrons had been (as they firſt were) Parochial Barons, and ſo Men of Reputation and Intereſt in each reſpective Pariſh. Whereas the Dividing the Lordſhip of the Manor from the *Advowſon* of the Church, has enabled Yeomen and Mechanicks to purchaſe the Dignity of Patrons from the Nobility and Gentry, to the Prejudice of the Church, and the great Confuſion of Degrees and Qualities.

Advowſon of Religious Houſes, As thoſe who built and endow'd a Pariſh-Church, were by that Title made Patrons of it: So thoſe who founded any Houſe of Religion, had thereby the *Advowſon* or Patronage of it. Sometimes the Patron had the ſole Nomination of the Prelate, Abbot or Prior; either by Inveſture or Delivery of a Paſtoral Staff: as *William Mareſhal*, E. of *Pembroke*, to the Abby of *Notely*, Com. *Buck. A. D.* 1200. Or by direct Preſentation to the Dioceſan: As *Reginald* E. of *Bolein*, in his Charter to the Priory of *Cold Norton* Com. *Oxon.* 1201. *Non hoc autem prætermittendum eſt quod Domus illa de noſtra donatione eſt, & Nos ibi Priorem apponere debemus*, &c. If a free Election were left to the Religious, yet a *Conge d' eſlire*, or Licenſe of Electing was firſt to be obtain'd of the Patron; and the Elect was confirm'd by him. The Patronage of a Convent lapſed to the Lord of the Honour, if the Family of the Founder were extinct: So *Edmund* Earl of *Cornwall* became Patron of the Nunnery of *Goring*, Com. *Oxon.* by no other Title, than as that Houſe was ſituate within the Honour of *Wallingford.* See Mr. *Kennet's Paroch. Antiq. p.* 147, 163.

Aduri Portus: *Ederington.*

Ægate Brig; from the Sax. *Aylesbury.*

Aelmeſeoh, *Pecunia Eleemoſynaria, ſcilicet, Denarii ſancti Petri.* Vide *Almsfeoh.*

Aerie, Or, *Ayry* of Goſhawks (*Aeria accipitrum,*) Is the proper Term for Hawks, for that which of other Birds we call a Neſt. Thus it is uſed, 9 *H.* 3. *cap.* 12. in the Charter of the Foreſt, and divers other Places. *Aerie* comes from the French *Aire*, the proper Term for a Hawk's Neſt. So is *Airg* ſaid to ſignify in Iriſh. But *Spelman* derives it from Saxon *Eghe*, which the Germans and Normans melted into *Eye*, an *Egg*; whence *Eyerie* was a common Name for a Bird's Neſt, *i. e.* the Place or Repoſitory of Eggs. Hence too the *Eye*, or Brood of Pheaſants. The Liberty of keeping theſe *Ayeries* of Hawks, was granted as a Privilege to ſome greater Perſons, as in a Charter of *Henry* 3. to the Church of *York*——*In nemore de Blideward habebat Archiepiſcopus & Canonici de Ebor. proprios Foreſtarios ſuos, & mel, & areas accipitrum & noiſorum.*——*Regiſtr. Joh. Romani Arepi Ebor. MS. f.* 91. The Preſerving the *Aeries* in the King's Foreſts and Woods, was one Sort of *Serjeanty*, or Tenure of Land by Serviee. So An. 20 *Ed.* 1. *Simon de Raghton & alii tenent terras in Raghton, Com. Cumbr. per ſerjantiam cuſtodiendi* Aerias *Auſturcorum Domini Regis.*

Æſica, *Netherby* upon *Esk* in *Cumberland.*

Aeſnecy. Vide *Eſnecy.*

Æſtimatio capitis, Sax. *Were*, i. e. *pretium hominis.* King *Athelſtan* in a great Aſſembly held at *Exeter*, declared that Mulcts were to be paid *pro æſtimatione capitis*; for Offences committed againſt ſeveral Perſons, according to their Degrees. The Eſtimation of the King's Head to be 30000 *Thuringæ*, of an Archbiſhop, or Satrapas, or Prince 15000, of a Biſhop or a Senator 3000, of a Prieſt, or a *Thane* 2000, &c. *LL. Hen.* 1. and *Creſſy's* Church Hiſtory, *fol.* 384. *b.*

Æſtivalia, A Sort of thin Boots worn in Summer, *æſtivalibus largis ſeu botis pro Calceamentis utuntur. Addit. ad Matt. Pariſ. pag.* 162. *Calceamenta pedum ſunt caligæ & æſtivalia. Ibid. pag.* 168.

Ætate probanda, Is a Writ that the King's Tenant holding in chief, by Chivalry, and being Ward, by reaſon of Nonage, obtaineth to the Eſcheator of the County where he was born, or where the Land lieth, to enquire whether he be of full Age, to receive his Lands into his own Hands, *Reg. Orig. f.* 294, 295. *F. N. B. fol.* 253. & 257. he ſaith that this Writ is ſometimes directed to the Sheriff, to impanel a Jury againſt a Day certain, before Commiſſioners authorized under the Great Seal, to deal in ſuch a Caſe. Now out of Uſe.

Affeerers,

Affeerers, (*Afferatores*, alias *Affidati*) May probably be derived from the French (*Affier*) that is, *affirmare*, *confirmare*; and ſignifies in the Common Law ſuch as are appointed in Court-Leets, upon Oath, to ſet the Fines on ſuch as have committed Faults arbitrarily puniſhable, and have no expreſs Penalty appointed by the Statute. The Form of their Oath you may ſee in *Kitchin*, *fol.* 46. The Reaſon of this Denomination may ſeem to be, becauſe they that be appointed to that Office, do affirm upon their Oaths, what Penalty they think in Conſcience the Offender hath deſerved: Another probable Derivation may be from (*ſeere*) an old Engliſh Word ſignifying a Companion, as (*Gefera*) doth among the *Saxons*, by Mr. *Lambard*'s Teſtimony (*verb. contubernalis*,) in his Explication of Saxon Words; and ſo it may be gathered that *Kitchin* takes it *cap. Amercements*, *fol.* 78. in theſe Words, *Mes tiel amerciament ſoit affire per pares*; where (*pares*) is *affeerers*; and the Reaſon hereof may be, for that in this Buſineſs they are made Companions, or Equals. We find this Word uſed, 25 *Ed.* 3. *Stat.* 7. *viz. The ſame Juſtices before their Riſing in every Seſſions, ſhall cauſe to be* affeered *the Amercements*; and alſo to the ſame Effect, 26 H. 6. c. 6. And *Kitchin*, *fol.* 78. joins theſe three Words together, as *Synonima's*, viz. *Affidati*, *Amerciatores*, *Affirors*; *Affidare* in the Canon Law is uſed for *Fidem dare*, *ca. fina. de cognation. ſpirit. in Decretal. & ca. ſuper eo de teſtibus.* *Bracton* hath *Affidare mulierem*, to be betrothed to a Woman, *lib.* 2. *cap.* 12. But in the Cuſtumary of *Normandy*, *cap.* 20. this Word (*Affeurer*,) the Latin Interpreter expreſſes by (*Taxare*,) that is, to ſet the Value of a Thing, and the ſame with *æſtimare*, &c. which ſeems indeed the beſt Etymology. See *Go. lib.* 8. *fol.* 40. *b.*

Afferi. See *Averia.*

Affiance, Is the plighting of Troth betwixt a Man and a Woman, upon agreement of Marriage to be had between them; the Latin Word (*affidare*) from whence this is derived, is as much, as *fidem ad alium dare*, and this Word *Affiance* is uſed by *Littleton*, *c. Dower*, *ſect.* 39.

Affidare. To plight one's Faith, or give Fealty, *i. e.* Fidelity, by making Oath, &c. *Mulier accuſata de aſſiſa cereviſiæ fracta poteſt ſola manu facere legem ſi voluerit, id eſt*, affidare *in manu Ballivi & eſſe quieta, quod ſi noluerit* affidare, *amerciabitur per Ballivum. Conſuetudinar. Dom. de* Farendon MS. f. 22.

Affidatio Dominorum, An Oath taken by the Lords in Parliament, *Anno* 3 H. 6. *Rot. Parl.* See *Commendator.*

Affidatus, Signifies a Tenant by a Fealty, witneſs this Charter, *Ego Rogerus*, &c. *dedi*, &c. Willelmo Wallenſi *pro ſuo ſervitio unam acram*, &c. *pro hac donatione & conceſſione devenit prædictus* Will. Affidatus *meus*, &c. Affidati *non proprie Vaſalli ſunt, ſed quaſi vaſſalli, qui in alicujus fidem & clientelam ſunt recepti*, &c. Affidatio *accipitur pro mutua fidelitatis connexione tam in ſponſaliis quam inter Dominum & Vaſſallum. Proles de* affidata *& non maritata, non eſt hæres, M S. penes Arth. Trevor. Ar. Affidatus* ſignifies alſo a Retainer.

Affidavit, In Law ſignifies an Oath, as to *make Affidavit*, is to teſtify a Thing upon Oath.

Affidiari, *ſeu Affidiari ad arma*, To be muſtered and enrolled for Soldiers, upon an Oath of Fidelity. ——*Rex dilectis* ——*Cum aſſignaverimus vos ad ſuperprovidendum quod omnes Homines de Com.* Berk. ——*Equitatura & aliis armis competentibus muniantur, & ad arma* affidientur, *& arraientur juxta formam Statuti. Conſuetud. Dom. de Farendon. MS. fol.* 55.

Affidatus, The ſame with *Affidatus.*

Affinage, *Purgatio metalli*, a Refining of Metal; hence to fine, and to refine.

Affirm, *Affirmare*, Signifies to ratify or confirm a former Law or Judgment: So is the Subſtantive (*Affirmance*) uſed *Anno* 8 *H.* 6. *cap.* 12. And ſo is the Verb it ſelf by *Weſt. part* 2. *Symbol.* Tit. *Fines*, *ſect.* 152. if the Judgment be affirmed, &c. and alſo by *Crompton* in his *Juriſd. fol.* 166. See 19 *H.* 7. *cap.* 20.

Affirmare, The ſame with *Firmare*, *i. e.* to ſhut. *Obtulit duo monilia, & juſſit ei feretro indelibiliter ad memoriam ſui clavis fortiter* affirmari. *Matt. Pariſ. Anno* 1251.

Afforatus, Appriz'd or valu'd, as Things vendible in a Fair or Market.——*Retinuit Rex poteſtatem pardonandi ei omnimoda amerciamenta tam* afforata, *quam non* afforata, *tam de ſe quam de omnibus hominibus.* Cartularium *Glaſton.* MS. f. 58. *Afforare* is uſed in the ſame Senſe: *Et quod amerciamenta prædictorum tenentium* afforentur *& taxentur per ſacramentum parium. Charta anno* 1316. *apud Thorn. Du Cange.*

Afforciamentum Curiæ, The Calling of a Court upon a ſolemn and extraordinary Occaſion.——*Faciunt bis in anno Rectum ad hundredum ipſius Abbatis de Nixetone, ſcil. ad Cur. Hokeday, & ad Feſtum S. Martini. & ad* afforciamentum Curiæ, *quotieſcunque latro adjudicandus fuerit, vel quum aliqua loquela ibi fuerit, quæ terminari non poterit ſine* afforciamento Curiæ. *Cartular. Glaſton.* MS. f. 43.

Afforciament, A Fortreſs or ſtrong hold, or other Fortification. ——*Pro reparatione murorum & aliorum* Afforciamentorum *dictæ civitatis. Pryn Animad. on* Coke, *f.* 184. *Faciendo unam Sectam per* afforciamentum *ad curiam Dunham-Maſſy. Charta* Will. *de* Tabley *tempore* Ed. 1. See *Efforcament.*

Afforciare, Signifies to add, encreaſe or make ſtronger: *Cum juratores in veritate dicenda ſunt ſibi contrarii de conſilio curiæ* afforcietur *aſſiſa, ita quod apponantur alii juxta numerum majoris partis, quæ diſſenſerit* (Bracton lib 4. cap. 19.) that is, Let the Witneſſes be encreaſed.

Afforciatus, A thin Cloth uſed for Caps: *Capa Roberti le Moyne de* afforciato *albo*, &c. *Du Cange.*

Afforeſt, Is to turn a Piece of Ground into Foreſt, *Charta de Foreſta*, *cap.* 1. & 30. *anno* 9 *H.* 3. What that is, ſee more at large in *Foreſt.*

Affray, Cometh of the French Word (*Effrayer*) *terrere*, to affright, and therefore may be without Word or Blow given, and ſo is the Word uſed in the Statute of *Northampton*, 2 *E.* 3. *cap.* 3. It is commonly taken for a Skirmiſh, or Fighting between two or more: In our Books it is many Times confounded with an *Aſſault*, as appears by *Lambard*, in his *Eirenarcha*, *lib.* 2. *cap.* 3. & *lib.* 1. *cap.* 17. yet as it is there ſaid, they differ in this, that where an *Aſſault* is but a Wrong to the Party, an *Affray* is a Wrong to the Commonwealth, and therefore both inquirable and puniſhable in a Leet. It may be ſaid likewiſe, that an *Aſſault* is but of one ſide, but an *Affray* is the Fighting of many together: Beſides this Signification already mentioned, it may be taken for a Terror wrought in the Subject by an unlawful Sight

Sight of Violence, &c. as if a Man ſhew himſelf furniſhed with Armour or Weapons not uſually worn, it may ſtrike a Fear into others unarmed, and ſo it is uſed *anno* 2 *E.* 3. *cap.* 3. 4 *H.* 6, 10. 8 *E.* 4, 5.

Affretamentum, The Freight of a Ship, from the French *Fret*, which ſignifies the ſame. —— *Sciatis quod cum, ut accepimus nuper in quadam cauſa miritima pecuniaria viginti & quinque librarum prætextu* Affretamenti *medietatis cujuſdam Craneræ vocatæ* La *Chriſtopher de Burſton, &c. Pat.* 11 *H.* 4. *p.* 1. *m.* 12.

Affri, *Vel Affra*, Bullocks or other Beaſts of the Plough, *Vicecomes liberet ei omnia catalla debitoris, exceptis bobus &* Affris *carucæ, Weſt.* 2. *cap.* 18. And in *Northumberland* to this Day, they call a dull or ſlow Horſe a *falſe Aver*, or *Aſer. Spelm.* Whence alſo with Probability enough, may be drawn the Word *Heyfer* for a young Cow.

Agalma, the Image or Impreſſion of a Seal: *Ego Dunſtanus hanc libertatem crucis* agalmate *conſignavi. Charta Edgari Regis pro Weſtmonaſteria Eccleſia, anno* 968.

Age, *Ætas, French aage*, and ſignifieth in the Language of the Vulgar a Man's Life, from his Birth to the Day of his Death; but in the Common Law it is particularly uſed for thoſe ſpecial Times, which enable Men and Women to do that, which before for want of *Age*, and conſequently of Judgment, they might not do: And theſe Times in a Man are two, at fourteen Years he is at the *Age* of Diſcretion, twenty-one Years he is of full *Age. Littleton lib.* 2. *cap.* 4. The Law takes Notice of him at ſeveral other *Ages*, as at twelve Years, to take the Oath of Allegiance in a Leet; at fourteen to conſent to Marriage, and in Soeage to chuſe his Guardian. *Dyer, fol.* 162. at fifteen for the Lord to have Aid *pur fair Fitz Chivalier, F. N. B. in brevi de rationabili auxilio.* In a Woman they were ſix. *Bro. Gard.* 7. Firſt at ſeven Years of *Age*, her Father being the Lord, might heretofore diſtrain his Tenants for Aid *pur file marier*, for at thoſe Years ſhe may conſent to Matrimony. *Bract. lib. cap.* 36. *nu.* 3. Secondly, at nine Years old, ſhe is Dowable, for then, or within half a Year after, ſhe is able *promereri dotem & virum ſuſtinere.* Fleta. *lib.* 5. *cap.* 22. *Lit. lib.* 1. *cap.* 5. which *Bracton loco citato* does notwithſtanding limit to twelve Years. Thirdly, at twelve Years ſhe is able to ratify and confirm her former Conſent given to Matrimony. Fourthly, at fourteen Years ſhe is enabled to receive her Lands into her own Hands, and ſhall be out of Ward, if ſhe be at that *Age* at her Anceſtor's Death. Fifthly, at ſixteen Years ſhe ſhall be out of Ward, though at the Death of her Anceſtor, ſhe was under fourteen: The Reaſon is, becauſe then ſhe may take a Husband able to perform Knight-Service. Sixthly, at twenty-one Years ſhe is able to alienate her Lands and Tenements; beſides, as to a Man we may add, that at fifteen Years he ſhall be ſworn to keep the King's Peace, *Anno* 34 *E.* 1. *Stat.* 3. The *Age* of twenty-one did heretofore compel a Man to be a Knight that had twenty Pounds Lands *per ann.* in Fee, and that by 1 *E.* 2. *Stat.* 1. which is ſince repealed by 17 *Car.* 1. *cap.* 20. That *Age* alſo enables him to contract and deal by himſelf in the Management of his Eſtates, which until that Time he cannot do with Security of thoſe that deal with him. The *Age* of twelve binds to Appearance before the Sheriffs and Coroner for Enquiry after Robberies, *Anno* 52 *H.* 3. *cap.* 24. The Age of 14 Years enables to enter an Order of Religion without Conſent of Parents, *Anno* 52 *H.* 4. *cap.* 17. See *Co.* on *Lit. fol.* 78. *b.*

Age prier, (*Ætatem precari*, or *ætatis precatio*) Is a Petition or Motion made in Court by one in his Minority (having an Action brought againſt him for Lands coming to him by Deſcent) that the Action may ceaſe, till he arrive to his full *Age*, which the Court in moſt Cauſes ought to yield unto: This is otherwiſe in the Civil Law, which enforces Children in their Minority to anſwer by their Tutors or Curators. *W. de minor.* 25 *anno.*

Agelocum, *Littleborough* upon *Trent.*

Agenfrida, *i. e.* the true Lord or Owner of any Thing; (*viz.*) *Si porcus non fuerit ibi ſæpius quam ſemel, det* agenfrida *unum ſolidum.* Leg. Inæ, cap. 50. apud Brompton, cap. 45.

Agenhine. See *Hogenhine.*

Agent and Patient, Is when a Man is the Doer of a Thing, and the Party to whom it is done, as where a Woman endows her ſelf of the faireſt Poſſeſſion of her Husband: Alſo if a Man be indebted to another, and after makes the Party, to whom he is ſo indebted, his Executor, and dies; the Executor may retain ſo much of the deceaſed Goods in his Hands as his own Debt amounts to, and by this Retainer he is Agent and Patient; that is, the Party to whom the Debt is due, and the Party that pays the ſame. *Sed quære de hoc*, for that it is reſolved, *Co. lib.* 8. 138. in *Boham's* Caſe, that a Man ſhall not be Judge in his own Cauſe, *Quia iniquum eſt aliquem ſui rei eſſe judicem.*

Ager Terræ, Is the ſame with an Acre of Land (*viz.*) *Rex Willielmus miſit juſticiarios per omnes Angliæ Comitatus & inquirere fecit quot* agri *vel* jugera terræ, *&c.*

Agild. Free from Penalty, not ſubject to the cuſtomary Fine or Impoſition. *Leges Aluredi cap.* 6. *Si Utlaga efficiat ut occidatur, pro eo quod contra Dei rectum & Regis imperium ſtet —— jaceat* Agild. *In Legibus Hen.* 1. *cap.* 81. *Egild* is corruptly put for *Agild.* The Word *Agild* ſignifies alſo, a Perſon ſo vile, that whoever killed him was to pay no Mulct for his Death. 'Tis derived from the privative *a*, and the Saxon *Geldan, ſolvere*; *quaſi ſine multa.*

Agiler, An Obſerver or Informer, from the Sax. *a* privative and *Gilt, culpa.*

Agillarius. *A Hey-ward, i. e.* a *Herd-ward* or Keeper of the Herd of Cattle in a Common Field, ſworn at the Lord's Court, by ſolemn Oath, of which the Form is delivered by *Kitchen* of *Courts f.* 46. The Office of *Agillarius* was of two Sorts; Firſt the common *Hey-ward* of a Town or Village, to ſupervise and guard the greater Cattle, or common Herd of Kine and Oxen, to keep them within their due Bounds: He was otherwiſe called *Bubulcus*, the *Cow-ward* (now turned into a Name of Contempt and Reproach, a *pitiful Coward*) who, if he was a Cottager, or other ſervile Tenant, he was exempted from all cuſtomary Works and manual Services to the Lord; becauſe he was preſumed to be alway attending on his Herd, as a Shephard on his Flock, who had therefore the like Privilege. —— *Sunt ibi xvi Cotari, quorum alii ſunt Bubulci, alii ſunt Paſtores, qui ſi non eſſent, deberet quilibet unum opus ſingulis ſeptimanis per annum. Cartular. Glaſton. MS. f.* 40. Secondly, the *Agillarius* of the Lord of a Manor, or of a Religious Houſe, who was to take Care of the Tillage, Fencing, Harveſt-Work, *&c.* and

and to see there were no Encroachments, or Trespasses committed on that particular District. The same in Effect with that Officer, who has been called the *Field's-man*. See Mr. *Kennets Paroch. Antiq. p.* 534, 576.

Agist, From the *French* (*Gist*) a Bed or Resting-place, or *giser*, *jacere*, or *gister*, *stabulari*, a Word proper to a Deer, *cum sub mensem Maium e locis abditis in quibus delituit emigrans in loco delecto stabulari incipit : Unde commoda & propinqua sit pabulatio. Budæus in Posterior. lib. Philologiæ.* It signifies in our Common Law to take in and feed the Cattle of Strangers in the King's Forest, and to gather the Money due for the same to the King's Use. *Charta de Foresta. an.* 9 *H.* 3, *cap.* 9. The Officers that do this, are called *Agistors*, in *English* Guest-takers. *Cromp. jur. fol.* 146. These are made by the King's Letters Patent, under the Great Seal of *England*, of whom the King hath four in every Forest, where he taketh any Pawnage. *Manwood's* Forest-Law, *cap.* 11. *fol.* 80. In what their Office consists, see the same *Manwood*, *part* 1. *p.* 336. Their Function is termed *Agistment*, as *Agistment upon the Sea-banks*, *an.* 6 *H.* 6. *c.* 5. This *Agist* is also used for the Taking in of other Men's Cattle into any Ground at a certain Rate *per* Week. See 4 *part*, *Inst. fol.* 293. The Word *Agist* is also taken for a Charge or Burden on a Thing ; as *terræ ad custodiam Maris agistatæ*, (*Selden*, *Mar. Claus. p.* 19.) are Lands charged with a Tribute to keep out the Sea ; or whose Owners are bound to keep up the Sea-Banks.

Agistator, The *Agistor* or Forest-Officer, who was to take Account of the Cattle there *agisted*, whether they belong'd to Tenants within the Forest, who had free *Agistment*, or to Foreigners who paid a common Rate. These *Agistatores* in an old Version of *Charta de Foresta*, are called *Gyst-takers*, or *Walkers*. Hence our Graziers now call the Foreign Cattle which they take in to keep by the Week, *Gisements*, or *Juicements* (pronounced like the Joices in Building, corrupted from the *French Adjoustment*, the Cross-pieces of Timber that are *adjusted* or fitted, to make the Frame of the Floor.) And to *gise* or *juice* the Ground, is when the Occupier feeds it not with his own proper Stock, but takes in other Cattle to *agist*, or pasture in it. All *Glossographers* agree to derive this Word from the *French Gister*, to lie, *Gist* a Bed, &c. But I rather think *Agistamentum* bears Relation to *Ager* the Field, or Feeding-place of Cattle, and might be the same as *Agrarium*, *Agerium*, *Agrotium*, the Profit of Feeding Cattle on such a Ground and Field Unless it were so, I can hardly imagine, why the Duty or Tax levied for repairing the Bank and Walls in *Romney* Marsh, was call'd *Agistamentum* ; and the laying such a Proportion of this Duty upon the several Lands, was called *Agistatio* ; and he who was the Collector and Expenditer of it, was termed *Agistator*. See Glossary to *Paroch. Antiq.* in voce *Agistator*.

Agitatio Animalium in Foresta, The Drift of Beasts in the Forest. *Leges Foresta.*

Agius : Gr. *i. e.* Holy ; as, *Ego triumphalem trophæum* agiæ *crucis impressi. Monastic. pag.* 15, 17, 122.

Agnus Dei. A small Cake, or Piece of white Wax, commonly in a flat Oval Form, stamped with the Figure of the Lamb of God, and consecrated by the Pope, and then given or sold for a precious Trifle of Superstition.

Agraria Lex, Was a Law made by the *Romans*, for the Distribution of Lands among the common People.

Agreement, (*Agreamentum* which is according to *Plowden*, *aggregatio mentium* ;) Is a joining together of two or more Minds in any Thing done, or to be done, and this is threefold : 1. An *Agreement* executed already at the Beginning, and of which Mention is made, 25 *E.* 3. *cap.* 3. of Cloaths, which saith, *That the Goods bought by Forestallers, being thereof attainted, shall be forfeit to the King, if the Buyer have made* Gree *with the Seller :* Where the Word (*Gree*) which otherwise is *Agreement* executed, signifies Payment for the Thing, or Satisfaction. 2. An *Agreement* after an Act done, by another, and is executed also ; this is where one does an Act, and another agrees to it afterwards. 3. An *Agreement* executory, or to be done *in futuro*, and this is where both Parties at one Time are agreed that such a Thing shall be done in Time to come ; which is executory in Regard the Thing is to be done afterwards ; for which see 26 *H.* 8. *cap.* 3. And this may be divided into two Parts, one which is certain at the Beginning, the other when the Certainty doth not appear at first, and the Parties agree that the Thing shall be performed or paid upon the Certainty known.

Aide, *Auxilium*, Is all one in Signification with the *French* (*Aide*) and differs only in Pronunciation : But in our Law it is applied to divers Significations, as sometimes it signifies *a Subsidy*, as 14 *E.* 3. *Stat.* 2. *cap.* 1. sometimes a *Prestation due from Tenants to their Lords*, as towards the Relief due to the Lord Paramount. *Glanvile*, *lib.* 9. *c.* 8. This the King or other Lord, might of old lay on their Tenants for Knighting his eldest Son at the Age of fifteen Years, or marrying his Daughter at seven, *Reg. Orig. fol.* 87. *a.* and that at what Rate themselves listed : But the Stat. of *Westm.* 1. *an* 3 *E.* 1. ordained a Restraint for so unlimited a Demand ; and 25 *E.* 3. *Stat.* 5. *cap.* 11. provides, That the Rate set down by the former Statute, should hold in the King as well as other Lords ; of which Mention is made 27 *H.* 8. *c.* 10. This Imposition seems to have descended to us from *Normandy* (or rather from a more ancient Original, *The Feodal Laws*,) for in the *Grand Customary*, *cap.* 35. you have a Tractate intituled, *Des aides Chevelz*, *i. e. auxiliis capitalibus* ; whereof the first is, *a faire l'eyne fitz de son Seigneur Chavalier* ; to make his eldest Son Knight : The Second, *pur eine fille marier* ; to marry the eldest Daughter ; both these, and all Charges incident thereunto, are taken away, and discharged by *Stat.* 12. *Car.* 2. *cap.* 24. But the Word *Aid* differs from *Tax* in Signification : For Taxes were formerly levied at the Will of the Lord upon any Occasion whatsoever ; but Aids could not be levied, but where it was lawful and customary so to do ; as to make the eldest Son a Knight, to marry the eldest Daughter, or to redeem the Lord from Prison. *Du Cange in verbo auxilium.* This Word is also particularly used in Matter of Pleading, for a Petition made in Court for the Calling in of Help from another that hath an Interest in the Cause in Question, and is likely both to give Strength to the Party that prayeth in *Aid* of him, and also to avoid a Prejudice growing toward his own Right, except it be prevented ; as when *Tenant* for Term of *Life*, by *Curtesy*, *Tenant in Tail after Possibility of Issue extinct*, *for Term of Years*, *at Will*,

Will, or by *Statute Merchant*, being impleaded touching his Eſtate, may *petere auxilium*, that is, pray in *Aid* of him in the Reverſion; that is, deſire the Court that he may be called in by Writ, to alledge what he thinks good for the Maintenance both of his Right, and his own; *Termes de la Ley*: But this Courſe has been much diſuſed. *Fitzherbert* mentions both *Prier in Aide*, and *Prier Aide de Patron*, &c. *auxilium petere a Patrono. Nat. Brev. f.* 50. *d.* And the new Book of *Entries*, *verbo* Aide *de parcener*, *f.* 411. *col.* 4. This Word is alſo found in 13 *R.* 2. *cap.* 17. This *Aide prier* is ſometimes alſo uſed in the King's Behoof, that there may be no Proceeding againſt him, until the King's Counſel be called and heard, to ſay what they think fit for avoiding the King's Prejudice or Loſs; as if the King's Tenant holding in Chief, be demanded a Rent of a common Perſon, he may pray in *Aid* of the King: Alſo a City or Borough that has a Fee-Farm of the King, any Thing being demanded againſt them which belongs thereunto, may pray *Aid* of the King, &c. *Termes de la Ley*, 35, 36. Of this you may read the Statute *De Bigamis*, *an.* 4 *E.* 1. *cap.* 1, 2, 3. & *an.* 14 *E.* 3. *Stat.* 1. *cap.* 14. The Civil Law in Suits begun between two, allows a Third to come in (*pro intereſſe*) and he that comes in for his Intereſt, comes either *aſſiſtendo*, or *opponendo*, &c. See 19 *Car.* 2. *cap.* 8. Vide *Receit.*

Aiel, (*Avus*) Comes of the French Word (*Aieul*) and ſignifies a Writ, which lies where the Grandfather called by our common Lawyers *Beſayel*, but in true French *Biſayeul*, was ſeiſed in his Demeſne, as of Fee, of any Lands and Tenements in Fee-ſimple, the Day that he died, and a Stranger abates or enters the ſame Day, and diſpoſſeſſeth the Heir. *F. N. B. fol.* 222. See *Plow. Com. fol.* 449. *b.* And the Cuſtoms of *Aiel* and its Appurtenances. *Dorſet*, in *Rot. Parl.* 4 *Ed.* 3.

Airy of Hawks. See *Aery.*

Aiſiamenta, *Ayſſamenta*, *Eaſements* or Conveniences, from the French *Aiſe*, Eaſy; or from the Saxon *Eith*, eaſy or ready, which *Chaucer* calls *Eith* and *Eth*, and the *Northumbrians* ſtill uſe *Eeth.* In Grants of Conveyanec and Demiſe, *Aiſiamenta* did include any Liberty of Paſſage, Open Way, Water-courſe, or other cuſtomary Benefit, for the Eaſe and Accommodation of the Owners and Inhabitants of any Houſe, or the Tenants of any Land. Hence an Houſe of Office is called an *Eaſement*, commonly a Houſe of *Eaſe.*

Aiton. See *Haketon.*

Al, and *Alud* in the Beginning of the Names of Places ſignify Antiquity, as *Alborough Aldworth*, &c. From the Saxon *Eald*, *i. e. vetuſtas.*

Alæ Eccleſiæ. The Wings or Side, *Iſles* of the Church: From the French *Les Ailes de l'Egliſe.* —— *Ad baſes pilariorum murus erat tabulis Marmoriis compoſitus, qui Chorum cingens & Presbyterium, corpus Eccleſiæ lateribus quæ* Alæ *vocantur, dividebat. Gervaſ.* Dorobern. *in Deſcript. Eccl. Cantuar.*

Alanerarius. *Robertus de Chedworth, Vicecom. Linc. liberavit* lvi *s.* viii *d. Johanni de Bellovento, pro putura ſeptem Leporariorum, & trium Falconum &* Alanerarii, *& pro vadiis unius Bracenarii.* 16 *Ed.* 1. Ancient Tenures, *p.* 125. where Mr. *Blount* renders *Anelararius*, Falconer; but the Learned *Du Freſne* ſays, *Alanus* was a Dog well known to the Ancients, in *Spain* ſtill called *Alano*, (the ſame I preſume with our Engliſh *Spaniel*) and therefore thinks *Alanerarius* to be the Keeper or Manager of ſuch Dogs, for the Sport of Hawking.

Alanius Fluvius. The River *Avon* in *Wiltſhire.* It ſignifies alſo the River *Alne* in *Northumberland.*

Alba, The *Alb*, or *Aub*; the Surplice or white Sacerdotal Veſt, uſed in Divine Service by the officiating Prieſt, not ſo plain and Simple as what is now more decently preſcrib'd by our Church. It is likewiſe called *Camiſia*, *Podaris*, *Talaris*, *Subucula*, &c.

Alba firma, *Cenſus annualis ſqui Centenario ſive Domino Hundredi penditur. Ideo* Alba *dicta, quod non ex more priſci ſæculi in annona quæ tunc* Black-mail *nuncupata fuit* (*hoc eſt, cenſus vel firma nigra, ſed argento, quaſi cenſu* albo *reddebatur.* Spelman. *Duplex eſt tenura in Com. Weſtmerl. ſcil. alia per* Albam firmam, *& alia per Cornagium*, &c. 2 Part. Inſt. fol. 10.

Albergellum, the ſame with *Halsberga*; *Omnis homo*, &c. *habeat* albergellum, (*i. e.* a Defence for his Neck,) *& capellum ferreum, lanceam & gladium.* Hoveden, *p.* 611.

Alborough. See *Eſturium.*

Album, Uſed for White Rent, paid in Silver, *Paſch.* 6 *H.* 3. *Rot.* 1. *dorſo.*

Alder, *i. e.* the firſt; as *Alder-beſt*, the beſt of all; *Alder-lieſeſt*, the moſt dear.

Alderman, Sax. *Earldorman*, Lat. *Aldermanus*, ſignifies as much as *Senator*, or *Senior*, and was among the Saxons as *Earl* among the Danes. *Camb. Brit. fol.* 107. *Lamb.* in his Explication of Saxon Words, *verbo Senator. Rog. Hoveden. part. poſterior. ſuor. annal. fol.* 346. *b.* At this Day we call them *Aldermen*, who are Aſſociates to the chief Civil Magiſtrate of a Town Corporate or City, 24 *H.* 8. *cap.* 13. See *Spelman's Gloſſary* at large on this Word; where you find that here we had anciently a Title of *Aldermannus Totius Angliæ*, Witneſs this Inſcription upon a Tomb in *Rameſey Abbey. Hic requieſcit D. Alwinus inclyti Regis Eadgari cognatus, totius Angliæ* Aldermannus, *& hujus ſacri Cœnobii miraculoſus Fundator.*

Alderman was one of the three Degrees of Nobility amongſt the *Saxons*: *Ætheling* was the firſt, and *Thane* the loweſt; but *Alderman* was the ſame as our Earl. The Word was diſuſed in the later Ages of the *Saxons*, and in its Place the Word *Earl* was introduced. 'Tis certain that it was uſed in King *Athelſtane's* Reign.

'Tis true, it literally imports no more than *Elder*; but amongſt the *Saxons* it ſignified a Duke, an Earl, a Nobleman, and ſometimes a General; but then he was called *Heretoga*, (viz.) *Mercua Heretoga*, Alderman of *Mercland*; which Title he had in Relation to his Military Power: But the Title *Alderman* ſhewed his Civil Juriſdiction: which Title afterwards was applied to a Judge; as in the Reign of King *Edgar*, *Alwin*, the Son of *Æthelſtane*, is called *Aldermannus totius Angliæ i. e.* as *Spelman* tells us, *Juſticiarius Angliæ.*

There was likewiſe *Aldermannus Hundredi*: Which Dignity was firſt introduced in the Reign of *H.* 1. Among his Laws, *cap.* 8. we read, *Præſit autem ſingulis hominum novenis decimus, & toti ſimul hundredo unus de melioribus, & vocetur* Aldermannus, *qui Dei leges & hominum jura vigilanti ſtudeat obſervantiæ promovere.* Du Cange. See *Senator.*

At this Day we call them *Aldermen* who are Aſſociates to the Civil Magiſtrate of a City or Town Corporate. 24 *H.* 8. *cap.* 13. See *Spelman's Gloſſarium* at large on this Word.

Alecenarium, a Sort of Hawk, called a *Lanner.* See *Putura.*

Alepiman, (*Alepimannus*) *Omnis* Alepinam *de tota Socâ de* Hecham *debet ſingulis annis unum denarium de Chevagio*; *& operabitur per tres Dies in autumpno, exceptis illis qui ab hac ſervitute liberi ſunt.* Conſuetudinar. de Hecham Prior Lew. MS. pag. 21. *Videtur* Alepimannos *iſtos mancipia fuiſſe*; *Chevagii enim ſolutio ſervitutis Indicium eſt.* Spelman.

Aler ſans jour, Is French, and ſignifies properly in Engliſh to go without Day; the Meaning whereof is to be finally diſmiſſed the Court, becauſe there is no further Day aſſigned for Appearance. *Kitchin, fol.* 146.

Ale-ſilver, A Rent or Tribute yearly paid to the Lord Mayor of *London*, by thoſe that ſell *Ale* within the City. *Antiq. Purveyance, fol.* 183.

Aleſtake, a May-Pole, and called *Aleſtake*, becauſe the Country People drew *Ale* there: But ſome will have it not to be like our May-pole, but rather a Stake driven into the Ground, with a Sign on it, that *Ale* was ſold there.

Ale-taſter, Is an Officer appointed in every Court-Leet, and ſworn to look to the Aſſize of Bread, *Ale*, or Beer, within the Precincts of that Lordſhip. *Kitchen, fol.* 46. where you may ſee the Form of his Oath.

Alfetum, A Cauldron or Furnace: Sax. *Alfæth*, compounded, (according to *Du Freſne*) from Ælan or Onælan, *accendere*; and Fæt *vas*; *quaſi Vas calefactionis.* But more likely from Æle, *cereviſia*, and *Fæt*; as we ſtill ſay, the *Ale-fat*, or *Ale-vat*, or Brewing-Veſſel. —— *Et ſi aquæ judicium ſit, caleſiat, donec excitetur ad bullitum, & ſit* Alfetum *ferreum, vel æneum, vel plumbeum.* The *Alfret* was a Cauldron in which boiling Water was put for the Criminal to dip his Head in up to the Elbow, and there hold it for ſome Time; ſays *Du Freſne in verbo* Alfretum. *Leges* Athelſtani *Reg. apud* Bromp. *cap.* 19.

Alias. Vide *Capias alias.*

Alien, (*Alienare*) Cometh of the French Word (*aliener*) and ſignifies as much as to transfer the Property of any Thing to another. To *alien in Mortmain*, is to make over Lands or Tenements to a religious Houſe or other Body Politick, *Staundf. Prær. Reg. fol.* 48. See *Mortmain.* To *alien* in Fee, is to ſell the Fee-ſimple of any Land or Tenement, or of any Incorporal Right. *Weſt.* 2. *cap.* 25. *an.* 13 *E.* 1.

Alien, *Alius*, *Alienus*, *Alienigena*, ſignifies one born in a ſtrange Country; it is uſually taken for the contrary to a *Denizen*, or natural Subject; that is, one born in a ſtrange Country, and never here infranchiſed. *Bro. Denizen* 4. Yet a Man born out of the Land, ſo it be within the Limits of the King's Obedience, beyond the Seas, or of any Engliſh Parents out of the K.'s Obedience; ſo the Parents at the Time of the Birth be of ſuch Obedience, is no *Alien* in Account of Law, but a Subject, *Stat.* 2. 25 *E.* 3. commonly called the Statute *De natis ultra mare.* Alſo, if one born out of the King's Allegiance, come and dwell in *England*, his Children begotten here, are not *Aliens*, but *Denizens. Co. Rep. lib.* 7. *Calvin's* Caſe. See *Denizen.*

Alien-Priories, Thoſe Cells of the Religious in *England*, which belonged to foreign Monaſteries. Theſe were diſſolved by Authority of Parliament, in the Reign of *Hen.* 4. but ſome were made *Indigenæ*, or Endenized.

Alienation, Is to make a Thing another Man's, or to alter and put the Poſſeſſion of Lands or Tenements, or other Things, from one Man to another. And in ſome Caſes a Man hath Power ſo to do without the Aſſent or Licence of another, and in ſome not; as if Tenant *in Capite* alien his Eſtate without the King's Licence, then by the Stat. of 1 *E.* 3. *cap.* 12. a reaſonable Fine ſhall be taken, whereas at the Common Law, before that Statute, they were held forfeit, *&c. Co. lib.* 6. *fol.* 28. But if a Man will *alien* Land in Fee-ſimple to a religious Houſe, or Body Corporate, it behoves him to have the King's Licence to make this *Alienation*, otherwiſe the Lands ſhall be forfeit, by the Stat. of 15 *R.* 2. *cap.* 5.

Alfred, An old Word, ſignifying allowed; from the Sax. *Alifan*, to allow or permit, from whence we ſay, ſuch a one hath Leave, *&c.*

Alimony, *Alimonia*, Maintenance: But in a legal Senſe, ſignifies that Allowance that a married Woman ſues for, upon any occaſional Separation from her Husband; wherein ſhe is not charged with *Elopement* or *Adultery.* This *Alimony* was heretofore called *Rationabile eſtoverium*, *i. e.* reaſonable Maintenance, as we may ſee by this Writ: *Rex, &c. Præcipimus tibi quod de Maritagio Emmæ de Pinckeney uxoris Laurentii Penir, qui excommunicatus eſt, eo quod prædictam Emmam affectione maritali non tractat, eidem Emmæ* Rationabile eſtoverium *ſuum invenias, donec idem Laurentius vir ſuus eam tanquam uxorem ſuam tractaverit, ne iteratus clamor ad nos inde perveniat.* T. 29 Aug. Anno Regni noſtri 7 Rot. Clauſ. 7 Hen. p. 1. m. 3.

Alinote. See *Halinote.*

Alaunds, Hare-Hounds *ab Alanis Scythiæ gente*, as Moloſſos from *Moloſſi*, a People of *Epirus.*

Allay, French, in Latin *Allaya*, is uſed for the Temper or Mixture of other Metals with Silver and Gold, *an.* 9 *H.* 5. *Stat.* 2. *cap.* 4. and *Stat.* 1. *cap.* 11. The Reaſon of which *Allay* is with a baſer Metal to augment the Weight of the Silver or Gold, ſo much as may countervail the Prince's Charge in Coinage. *Anton. Faber. de Nummariorum debitorum ſolutionibus, cap.* 1. *Allay*, a Pound-weight of right Standard Gold of *England*, conſiſts of twenty-three Carats, and three Grains and a half of fine Gold, and half a Grain *Allay.* A Pound-Weight of right Standard Silver of *England*, conſiſts of eleven Ounces of fine Silver, and eighteen Penny-weight *Allay.* Vide *Lownd's* Eſſay upon Coins, *p.* 19. The *Allay* of Silver continues the ſame; but that of Gold is altered, the preſent Standard of Gold in the Mint being twenty-two Carats fine, and two Carats *Allay*; the Difference of which is only one Carat three Grains and a Half.

Allegiare, To excuſe, defend, or to juſtify by Courſe of Law. —— *Si quis ſe velit* allegiare *ſecundum Regis weregilidum hoc faciat. Leges* Alured. *cap.* 4. —— Allegiat *ſe facinoris, i. e.* clear or purge himſelf of the Crime objected to him. *Ibid. cap.* 16. *Allegiare*, i. e. *juxta legem ſe a crimine, quo impetitur, liberare.* Spelman.

Allegiantia, *Allegiance*: The Word at firſt properly implied the due and legal Subjection of every Vaſſal to his Lord. It is now reſtrained to the natural and ſworn Allegiance or legal Obedience, which every Subject owes to his Prince.

Aller-Good. The word *Aller* is to make the Expreſſion ſignify ſuperlatively; So *Aller-Good* is the greateſt *Good.* Sometimes *alder.*

Alleviare, To levy or pay an accuſtom'd Fine or Compoſition. *Sokemanni Pricratus de Spalding, debent* alleviare *filias ſuas*—— *i. e.* They ought to pay to their Lord the Price of Redemption for

their Daughters, or to pay an accuſtomed Rate for Licence to marry them. *Brady*, Pref. to *Engl.* Hiſt. p. 64.

Allocation, (*Allocatio*) Properly a placing or adding to; but in the Senſe of Law it is an Allowance made upon an Account in the *Exchequer*.

Allocatione facienda, Is a Writ directed to the Lord Treaſurer and Barons of the *Exchequer*, upon Complaint of ſome Accountant, commanding them to allow him ſuch Sums as he has by Virtue of his Office lawfully and reaſonably expended. *Regiſt. Orig. fol.* 206. *b.*

Allodial: This is where an Inheritance is held without paying to any Lord or Superior: And therefore is of another Nature from that which is *Feodal* or *Beneficiary*. From the Sax. *a* privative and *Leod*, *vaſſallus*, or rather *Leof*, *Dominus*, *i. e.* Held without any Burthen or Vaſſallage, or without a Superior.

Alluginoſus, *i. e. Mucidus.*

Alluminor, Is derived from the French word *Allumer*, *i. e. accendere*, and denotes one that by his Trade coloureth or painteth upon Paper or Parchment: And the Reaſon is, becauſe he gives Light and Ornament by his Colours to the Letters, or other Figures coloured. The Word is uſed *an.* 1 *R.* 3. *cap.* 9. At this Day we call ſuch a one a *Limner*.

Almaine rivets, Is a light Kind of Armour for a Man, with Sleeves of Mail, or Plates of Iron, for the Defence of his Arms; this may ſeem to have been the Pattern of the Rocket, not long ſince in Uſe among us, having looſe Sleeves, which the Livery-Cloaks of Noblemen's Coachmen may alſo ſeem to imitate.

Almaria, for *Armaria*, *i. e.* the Archives of a Church, a Library. *Omnia etiam Eccleſiæ* Almaria *confregit*, *chartas & privilegia quædam igne cremavit.* Gervaſ. Dorob. in R. 2.

Almery. See *Ambrey*.

Almitas, *i. e.* Holineſs. *Hæc tibi expoſui ut certior ſis de* almitate *hujus emeriti viri*, &c.

Almner or **Almoner**, (*Eleemoſynarius*) Is an Officer of a King's or Prince's Houſe, whoſe Office is diligently to collect all the Fragments of Victuals, and diſtribute them daily to the Poor; charitably to viſit all Sick, Leprous, Priſoners, poor Widows, and other neceſſitous and vagrant People, that have no conſtant Abode: Likewiſe to receive, and faithfully diſtribute all caſt Horſes, Robes, Money, and other Things given in Alms. He ought alſo by frequent Admonitions, to move the King to beſtow his Alms, and eſpecially upon *Saints* or *Holydays*, and to adviſe him not to give his rich Robes to Players, Sycophants, Flatterers, Whiſperers, or Minſtrels, but that he command them to be beſtowed as an Increaſe of his Alms. *Fleta. lib.* 2. *c.* 22. He hath the Forfeiture of *Deodands*, and the Goods of Felons *de ſe*, which he is to diſpoſe in Alms to the Poor. *Termes de la ley*, 39.

Almoine. See *Aumone*, and *Franck-almoyne*.

Almonarium, *Almonaria*, *Almeriola*, A Cupboard or Safe, to ſet up cold and broken Victuals, to be thence diſtributed for Alms to the Poor. This ſort of Repoſitory is in the Northern Parts ſtill called the *Aumbry*, *Ambry*, and *Ammery*. —— *Nos dedimus totam illam Seldam vocatam le Hnſe, cum Schopis, Solariis, Stallis, Ciſtis, & Almorietis, cum omnibus ſuis pertinentiis.* Cart. 5 Rich. 2. Cartular. Hoſpital. SS. Trinit. de Pontefracto MS. f. 44.

Almesfeoh or **Ælmesfeoh**, Saxon; that is, Alms-Money: It was taken for *Peter-Pence*, anciently paid in *England*, on the firſt of *Auguſt*, and firſt given by *Ina* King of the *Weſt Saxons*. It was called alſo *Romefeoh*, *Romeſcot*, and *Heorthpening*. Selden's *Hiſt. Tythes*, *pag.* 217.

Almond, *Amygdalum*, Is well known to every Man's Sight, being the Kernel of a Nut, of whoſe Nature and Diverſities, read *Gerard's Herbal*, *lib.* 3. *cap.* 87. This is noted among Merchandize, that are to be garbled, *anno* 1 *Jac. cap.* 19.

Almond-Furnace. At the Silver Mills in *Cardiganſhire*, they have a particular Furnace, in which they melt the Slags or Refuſe of the Litharge not ſtamped, with Char-coal only, which they call the *Almond*, or *Almond-Furnace*. Perhaps *All-many*, Sax. *All-meneyth*, mixt all together.

Almutium: This is a Garment which covers the Head and Shoulders of the Prieſt. *Quæſivit Epiſcopus in quali habitu eſſet? Reſponſum eſt quod tunica de Burneto &* almutio *ſine cuculla.* W. Thorn. 1330.

Alnage, French *Aulnage*; the Meaſuring with an Ell, or the Meaſure of an Ell. 17 *E.* 4. *cap.* 5. See *Alnager*.

Alnager, **Alnageor**, **Aulnager**, **Alneger**. In Latin *Ulniger* or *Ulnator*; that is, a Meaſurer by the Ell: It may be derived from the French word *Aulne*, an Ell, and ſignifies a publick ſworn Officers of the King's, who by himſelf, or his Deputy, looks to the Aſſize of Woollen Cloth made thro' the Land, and to the Seals for that purpoſe ordained, 25 *E.* 3. *Stat.* 4. *cap.* 1. and 3 *R.* 2. *c.* 2. who is accountable to the King, for every Cloth ſo ſealed in a Fee or Cuſtom thereunto belonging. *anno* 17 *R.* 2. *cap.* 2. Read of this more, 27 *E.* 3, 4. 1 *H.* 4, 13. 7 *H.* 4, 10. 11 *H.* 4, 6. 12 *H.* 4, 4. 11 *H.* 6, 9. 31 *H.* 6. 5. 4 *E.* 4. 1. 8 *E.* 4. 1. & 1 *H.* 3, 8. There are now three Officers belonging to the Regulation of Clothing, all which were anciently compriſed in one Perſon. Theſe bear the diſtinct Names of *Searcher*, *Meaſurer*, and *Alneger*; which laſt, though in a ſeveral Language, it be the ſame with *Meaſurer*; yet long Uſage and Cuſtom have brought them to diſtinct Offices, and that which was anciently called *Alnager*, is now become Collector of the Subſidy granted to the King, by the fore-mentioned Statutes, ſtill holding the ſame Name; becauſe the Collection of that Subſidy was by *Edw.* III. committed to the *Alneger*, and he nevertheleſs not abridged of meaſuring, till by his own Neglect ſeparated: Inſomuch as there is now a peculiar *Meaſurer* to every particular Cloth made in *England* and *Wales*: And to prevent Abuſes, an Officer of *Searching* is eſtabliſhed by an Act of Parliament, who ought by peculiar Seal, to denote the Defects which each Cloth contains. All theſe were anciently under the Cogniſance of the *Alneger*, as you may read at large in a Treatiſe, entitled *The Golden Fleece*, Printed *an.* 1556. See 4 *Inſt. fol.* 31.

Alne, a River in *Northumberland*.

Alnetum, *eſt ubi alni arbores creſcunt*, a Place where Alder-Trees grow: *Unum Pomarium & unum* Alnetum, *& unum Sokemannum, & decem Libratas terræ. Pat.* 16 *H.* 3. *Par.* 1. *m.* 8. It alſo often occurs in *Domeſday*.

Alodium, Signifies a Manor, and *Alſidarii* or *Alodarii*, the Lords of the ſame Manor. The old Tranſlation of the Saxon Laws uſeth this Word for *Bockland*. And *Aloacii*, or rather, as I believe, *Alodacii*, for them that hold *Bockland* or *Charterlands*. *Quando moritur* Alodarius, *Rex inde habet* rele-

relevationem terræ, &c. Domesday, Rent. and *Coke's* 1 *Inst. fol.* 1 and 5. See *Fee.*

Alone, *Whiteley* in *Northumberland.*

Aloverium; a Purse. 'Tis mention'd in *Fleta, lib.* 2. *cap.* 82. *par.* 2. *Tritura ceres ac ventrices nequicquam bladi fuerunt in suis sotularibus, Ciroticis,* Aloveriis, *bursis, panoneriis vel sacculis.*

Altarage, *Altaragium*; This Word includes not only the Offerings made upon the Altar, but also all the Profit that arises to the Priest by Reason of the Altar, *Obventio Altaris*, as appears by an Order made in the Term of St. *Michael* 21 *Eliz. viz.* in the *Exchequer*, between *Turner* Vicar of *Westhaddon* in *Com. Northamp.* and *Andrews*, whereby it is declared, That by *Altaragium* is meant Tithes of Wool, Lamb, Colt, Calf, Pigs, Goslings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs, and other such small Tithes, with Offerings that shall be due in the Parish of *Westhaddon.* This Order is as follows, *viz.*

Northampton, ff. *Inter ordines sive decreta de Termino Sancti* Mich. Anno 21 Eliz. *in* Scaecario *remanentes, & in custodia Rementoratoris Regis inter alia continetur sic.*

Jovis, 12 Die Nov.

UPon *the hearing of the Matter betwixt* Ralph Turner, *Vicar of* West Haddon, *and* Edward Andrews, *it is ordered, that the said Vicar shall have, by Reason of the Words* (Altaragium eum manso competenti) *contained in the Composition of the Profits assigned for the Vicar's Maintenance, all such Things as he ought to have by these Words, according to the Definition thereof made by the Reverend Father in God,* John, *Bishop of* London, *upon Conference with the* Civilians, viz. David Hewes, *Judge of the Admiralty,* Bartholomew Clark, *Dean of the Arches,* John Gibson, Henry Jones, Lawrence Hewes *and* Edward Stanhope, *all Doctors of the Civil Law, that is to say,* By Altaragium, *Tithes of Wool, Lamb, Colt, Calf, Pigs, Goslings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs, and such other small Tythes, with Offerings, that shall be due within the Parish of* Westhaddon.

And the like Case was for *Norton* in *Northamptonshire*, of a later Date, *Oblationes sive nummorum sive panum tali vel tali* Altari, *vel ex devotione, vel ex consuetudine, aut a Parochianis, aut ab extraneis factæ*, Altaragii *nomine censebantur.* Gloss. in Mat. Paris. The Word *Altarage* could signifie at first no more, than the casual Profits arising to the Priest, from the Peoples voluntary Oblations at the *Altar.* Out of these Customary Dues, the Religious assigned a Portion to the Vicar; but in such different Quantity and Method, that since the Reformation, several Disputes have arose, what Dues were comprehended under the Title of *Altaragium*; which was remarkably determined to comprize all Offerings and small Tithes, in a Trial in the *Exchequer*, in *Mich. Term.* 21 *Eliz.* Which Judgment, I presume, might be grounded on this and other Authorities: The Ordination of the Vicarage of *Tickhill* by *Walter Grey*, Archbishop of *York*, *Anno Dom.* 1249, & *Anno Pontificat.* 33. *Vicarius ad sustentationem sui—habeat totum* Altaragium, *ita quod nomine* Altaragii *contineantur omnes obventiones, Decimæ & proventus ipsius Ecclesiæ de* Tickhill, *exceptis Decimis bladi, leguminis, & fœni, & terris ad dictam Ecclesiam pertinentibus, salvo competente manso Vicario assignando.* Mon. Ang. Tom. 3. p. 158. *b.* Hence, though it seems to be certain, That the Religious when they first allotted the *Altaragium* in Part or Whole, to the Capellane or Vicar, they meant only the arbitrary or accustomed Offerings at the Altar, and not any Share of the standing Tithe, whether Predial or Mixt. Yet it being usual for the Religious to content themselves with the greater Profits of Glebe and Tenths of Corn and Hay, and to leave the inconsiderable small Tithes to the Officiating Priests: Hence *Altaragium* by Degrees was supposed to include all Dues, except as before excepted. *Oblationes sive nummorum, sive panum tali vel tali* Altari, *vel ex devotione vel ex consuetudine, aut a Parochianis, aut ab extraneis factæ*, Altaragii *nomine censebantur.* Gloss. in Mat. Paris.

Alto & Basso, or **In Alto & in Basso.** By this is meant the absolute Submission of all Differences, small and great, high and low. *Pateat Universis, &c. quod* W. T. *de* Y. & T. G. *de* A. *posuerunt se in* Alto & Basso, *in arbitrio quatuor hominum, &c. de quadam querela, &c. Dat. apud* A. *die Mercurii prox. post Fest. Conceptionis B. Mar. Virg. anno* 2 H. 5. And the like Signification it hath in *Plac. coram Rege Hil.* 18 E. 1. *Ipse Prior venit & Bogo similiter, & ponunt se in gratiam, misericordiam & voluntatem Regis de* Alto & Basso, *ad quod mandantur Turri* London, *&c. Nos & terram nostram* Alte & Basse *ipsius Domini Regis supposuimus voluntati. Du Fresne.*

Altus Justiciarius. See *Justiciarius.*

Alvetum. *Habet* Alvetum *insula permaximum. Matt. Westm.* 189. It is the same as *Alnetum*, which see.

Amabyr, vel *Amvabir, Pretium Virginitatis domino solvendum* LL. Gul. Howeli Dha. Regis Walliæ. *Puella dicitur esse desertum Regis, & ob hoc Regis est de ea* Amvabyr *habere.* This Custom was in the Honour of *Clun*, till *Henry* Earl of *Arundel*, by his Deed dated 31 *Aug.* 3, 4. *Phil. & Mar.* released it to his Tenants, by the Name of *The Custom of* Amabyr *and* Chevage. See *Chevage.*

Amayl, Enamel. ——— *Una Cuppa rubea de Samy bene brudata imaginibus in tabernaculis, cum uno Nouche nobili de argento cum solutione protracta in* Amayl *saphyri coloris.* Histor. Elien. apud Whartoni Angl. Sac. P. 1. p. 642. ——— *Prior Elienſis contulit Altari unum dorsale magnum, & duas pelves argenteas nobiles & puleras quarum labra sunt per gyrum deaurata, & in fundo* Amayl *inserti in opere artificioso.* Ib. p. 649.

Ambactus, *i. e.* a Servant or Client.

Ambidexter, Properly denotes a Man that can equally use both his Hands: But in a legal Sense, it signifies, That Juror or Embraceor, that takes Money of both Parties for the Giving of his Verdict, for which he forfeits *Decies tantum*, ten Times as much as he takes. 38 *E.* 3. 12. *Cromp. Just. of Peace, fol.* 156. *b.*

Ambra, Sax. *Amber*, Lat. *Amphora:* A Vessel among our *Saxons*, the Quantity now not known: But I have seen in an old Deed Mention of *Ambra Salis.* It was not only a Measure of Salt, but of Beer, Butter, Meal, &c. as appears by these Authorities. *Leges Inæ West-Sax.* Tit. 74. ——— Ambræ *Cereviſiæ Wallicæ*; *plena* Ambra *butyri.* ——— *Leges* Adelstani *Regis* Tit. 3. *De duabus meis firmis, dent eis singulis mensibus* Ambra *plena farinæ.*

Ambræ, (King's Proclamation in 1663.) Vide *Aume.*

Ambry, The Place where the Arms, Plate, Vessels and every Thing which belonged to House-keeping, were kept: And probably the

Ambry at *Weſtminſter* is ſo called, becauſe formerly ſet apart for that Uſe: Or rather it ſhould be called the *Aumonery* (Lat. *Eleemoſynaria*) a Houſe adjoining to an Abbey, in which the Charities were laid up, and from thence diſtributed to the Poor.

Amendable, From the French Word *Amener*, *Adducere*, to lead unto; or as ſome *Amaynable*, deducting it from (*Main*) a Hand: It ſignifies *Tractable*, that may be led or governed. It is applied in our Law-Books to a Woman, that is governable by her Husband.

Amendment, *Emendatio*, Significsin our Common Law, a Correction of an Error committed in a Proceſs, and eſpied before Judgment, and ſometimes after the Party's ſecking Advantage by the Error. *Terms de la Ley. Bro.* Tit. *Amendment per tot.* But if the Fault be found after Judgment given, the Party that will redreſs it, is driven to his Writ of Error. *Bro.* Tit. *Error* and *Amendment.*

Amerciament. *Amerciamentum*, (From the Fr. *Merci*, i. e. *Miſericordia*) Signifies the pecuniary Puniſhment of an Offender againſt the King, or other Lord, in his Court, that is found to be in *Miſericordia*; that is, to have offended, and to ſtand at the Mercy of the King or Lord. There ſeems to be a Difference between *Amerciament* and *Fines. Kitchin, fol.* 214. For *Fines*, as they are taken for Puniſhments, be certain, and grow expreſly from ſome Statute, but *Amerciaments* are ſuch as be arbitrarily impos'd by *Aſſeerors*, which *Kitchin, fol.* 78. in ſome Manner confirms in theſe Words *L'amerciament eſt affire per pares. Manwood* in his *Foreſt Laws, part* 1. *fol.* 166. ſaith, An *Amerciament* is a more eaſy, more merciful Penalty, and a *Fine* more ſharp or grievous: His Words are theſe, *If the Pledges for ſuch a Treſpaſs do appear by common Summons, but not the Defendant himſelf, then the Pledges ſhall be impriſoned for that Default of the Defendant. But otherwiſe it is, if the Defendant himſelf do appear and be ready in Court before the Lord Juſtice in* Eyre, *to receive his Judgment, and pay his Fine: But if ſuch Pledges do make Default, in that Caſe the Pledges ſhall be* amerced, *but not* fined. So that an *Amercement* is for a ſmall Fault, and a *Fine* for a great One. The Author of the *New Terms of Law*, ſaith, That *Amerciament* is properly a Penalty aſſeſſed by the Peers or Equals of the Party *amerced*, for an Offence done; for the which he putteth himſelf upon the Mercy of the Lord: Who alſo makes Mention of an *Amerciament Royal*, and defines it to be a pecuniary Puniſhment laid upon a Sheriff, Coroner, or ſuch like Officer of the King, by Juſtices, for ſome Offence. *Ratcliff* Baron of the *Exchequer.* 2 H. 7. *fol.* 7. See *Miſericordia.* If the *Amercement* were too grievous, *i. e.* diſproportioned to the Nature of the Offence, or the Abilities of the Offender, there was a Releaſe to be ſued by a Writ called *Moderata Miſericordia. Amerciamenta illevabilia* were ſuch *Amercements* as thro' Poverty, or Eſcape of the *Amerced*, became deſperate Debts, and were deducted in the Accounts of the Bayliff, or Steward, or Collectors of Rents and other Dues. So *A. D.* 1425. the Prior and Canons of *Burceſter*, allowed to the Receiver of their Rents at *Kirthington* —— *In allocatis eidem pro* Amerciamentis *illevabilibus hoc anno ſex denarios.* See Mr. *Kennet's Paroch. Antiq.* 573. and *Gloſſary, in voce* Amerciamentum.

Ameſſe, a Prieſtly Garment; from the Lat. *Amictus.*

Amicia, (the ſame with *Almutium*) a Cap made with Goat's or Lamb's Skins: That Part of it which covered the Head was ſquare; and one Part of it hung behind, and covered the Neck. 'Tis mentioned in the *Monaſticon*, 3 *Tom. pag.* 36. *Pennulas autem hujus amiciarum caprinas eſſe volumus vel agninas.*

Amictus, was the uppermoſt of the ſix Garments worn by Prieſts; it was tied round the Neck, *ne inde ad linguam tranſeat mendacium*; and it covered the Breaſt and Heart, *ne vanitates cogitet.* Amictus, *Alba, Cingulum, Stola, Manipulus & Planeta.*

Amittere legem terræ, To loſe the Liberty of Swearing in any Court, or (as Sir *Edw. Coke* ſays) to become infamous, is uſed by *Glanvil, lib.* 2. *cap.* 3. for the Puniſhment of the Champion, over-come or yielding in Battle, upon a Writ of Right, and of Jurors found guilty in a Writ of Attaint. *Selden's* Titles of Honour.

Amm [illegible], to enamel. 'Tis often mentioned in the *Monaſticon*, 3 *Tom. pag.* 170, 332.

Ammobragium. —— *Richardus de Pyneleſdon, tenet terras in Worthenbury in Partibus de Muiler, Com. Flint. quæ tenentur de Domino Rege per certa ſervitia, & per* Ammobragium *quod ad quinque ſolidos extenditur cum acciderit.* —— Pat. 7 *Ed.* 2. m. 7.

Ammitum Inſulæ, Iſles upon the Weſt Coaſt of *Britain.*

Amneſtia, *Oblivio*, as an *Amneſtia*, or Act of *Oblivion*, ſuch as was granted by King *Charles* 2d. at his Reſtoration.

Amortization, *Amortizatio*, French *Amortiſſement, eſt prædiorum tranſlatio in* Manum mortuam *quod tamen ſine venia Principis non fiat. Jus* Amortizationis, *eſt privilegium ſeu licentia capiendi in* Manum mortuam. In the Statute *De libertatibus perquirendis* 27 *E.* 1. this Word *Amortiſſement* is uſed. See *Mortmain.*

Amortiſe, (from the French Word *Amortir*) Is to aliene Lands or Tenements to any Corporation, Guild or Fraternity, and their Succeſſors, which cannot be done without Licence of the King, and the Lord of the Manor. 15 *R.* 2. *c.* 5. See *Mortmain*, and the Statute of *Amortizing Lands*, made *tempore Ed.* 1.

Amouveas manum. See *Ouſter le main.*

Ampliation, *Ampliatio*, properly an Enlargement; but in Senſe of Law, denotes a Referring of Judgment, till the Cauſe be further examin'd.

Amy, *Amicus*, As in Law *Prochein Amie*, is the next to be truſted for an Orphan, or Infant.

Amyte The Garment with which the Prieſt, in Sacrificing, covered his Head and Shoulders. From the Lat. *Amictus.*

Analagium. *Rex Johannes concedit Jordano de London* Analagium *dumiſia apud* Bray *in feudo.* Rot. Cart. 7. *Joh.* m. 1.

An, Jour & Waſte. (*Annus, Dies & Vaſtum,*) Look *Year, Day* and *Waſte.*

Analogium, a Pulpit.

Anabus, i. e. *Mendoſus.*

Anar, *i. e.* a King.

Ancalites, the Hundred of *Henley.*

Ancaſter. See *Crococalana.*

Anceſtor, *Anteceſſor*, The Signification is well known; and the Law makes this Difference between that and Predeceſſor, that *Anceſtor* is applied to a natural Perſon, as *J. S.* and his *Anceſtors*; the other to a Body Politick or Corporate, as a Biſhop and his Predeceſſors. *Co.* on *Lit. lib.* 2. *cap.* 4. *ſect.* 103. The Word *Anteceſſor* in the Forinſick

rinſick Senſe was not properly applied to the *Anceſtor* of a Family; but either to the Prepoſſeſſor of an Eſtate, or the Predeceſſor in an Office.

Ancestrel, as *Homage Anceſtrel*; that is, Homage that hath been done or performed by one's *Anceſtors*. See *Homage*.

Ancorage, (*Ancoragium*) A Duty taken of Ships for the *Pool* of the *Haven* where they caſt *Anchor*, *MS. Arth. Trevor Ar.* For no Man can let any *Anchor* fall on the King's Ground in any Port, without paying for it to the King's Officer appointed by Patent.

Ancient, *Anſhent*, The Flag or Streamer in the Stern of a Ship. The Seamen are the greateſt Corrupters of Words: Thus from the Portugal Word *Allagerto* a Crocodile, our Mariners call that Beaſt or Fiſh an *Allegator*. And from the Portuguez *Loguſta*, they call the prickly Lobſter, that wants Legs, common in the Southern Sea, a *Long-Oyſter*. So probably from *End ſheet* (for Seamen call their Sails Sheets) a proper Name for the Flag in the Stern, they corruptly ſpeak *Anſhent*.

Ancient, In the *Middle-Temple*, ſuch as are paſt their Reading, and never read, are *Ani ents*. In *Gray's Inn* the Society conſiſts of *Benchers*, *Ancients*, *Barriſters* and *Students* under the Bar, and here the *Ancients* are of the more *Ancient Barriſters*. The *Inns* of *Chancery* conſiſt of *An ients* and *Students*, or *Clerks*, and among the *Ancients*, one is Yearly the *Principal* or *Treaſurer*.

Ancient Demain or **Demeſne**, (*Vetus Patrimonium Domini*) Is a certain *Tenure*, whereby all Manors belonging to the Crown in the Days of Saint *Edward*, or *William the Conqueror*, were held. The Numbers and Names of which Manors, as of all others belonging to common Perſons, after a Survey made of them, he cauſed to be written in a Book, now remaining in the Exchequer, and call'd *Doomſday* And thoſe, which by that Book appear to have at that Time belonged to the Crown, and are contained under the Title *Terra Regis*, are called *Ancient Demeſne*. *Kitchin*, *fol.* 98. Of theſe Tenants were two Sorts; one that held their Lands frankly by Charter, the other by Copy of Court-Roll, or by the Verge at the Will of the Lord, according to the Cuſtom of the Manor. *Britton*, *cap.* 66. *num.* 8. The Benefit of this *Tenure* conſiſts in theſe Points: 1. The Tenants holding by Charter, cannot be impleaded out of their Manor; or if they be, they may abate the Writ by Pleading their Tenure, before or after Anſwer made. 2. They are free from Toll for all Things concerning their Livelihood and Husbandry. They may not be empanelled upon any Enqueſt. *F. N. B. fol.* 14. *d.* & *fol.* 228. *&c.* By whom it appears, theſe Tenants held originally by Ploughing the King's Lands, plaſhing his Hedges, or ſuch like, towards the Maintenance of his Houſhold; for which Cauſe they had ſuch Liberties granted to them: And to avoid Diſturbances, they may have Writs to ſuch as take Duties of Toll, as alſo Immunity of Portage, Paſſage and ſuch like. No Lands ought to be eſteemed *Antient Demeſn*, but ſuch as are held in *Socage*. See *Monſtraverunt* and *Demayn*.

Ancientry, (French *Anciennete*, that is, *Antiquitas*) It is uſed *in Statuto Hiberniæ*, 14 H. 3. for Seniority. As, *The eldeſt Siſter can demand no more than her other Siſters, by Reaſon of her* Ancienty.

Ancones of Iron: At the Iron Works, in the Forge, called the *Finery*; they work the Metal by the Hammer, till they bring it into *Blooms* and *Anconies*; a *Bloom* is a four-ſquare Maſs two Foot long, which they afterwards by heating and working, bring to an *Ancony*, the Figure whereof is in the Middle a Bar about three Foot long, of that Shape which they intend the whole Bar ſhall be after made, leaving at each End a ſquare rough Piece to be wrought at the Chafery.

Andates Lucus, (*Anderida*). Mr. *Camden* was of Opinion, that *Newenden* in *Kent*, ſituated near the Wood called *Ander*, was the Place where a famous Caſtle was built by the *Romans*, to defend the Sea-Coaſts from the *Saxon* Pirates; which Town was called *Brittenden* by the *Saxons*. And being decayed, but rebuilt; ſoon after a Monaſtery was founded by the *Carmelite* Friers, in the Reign of *Ed.* 1. it was called *Newenden*. But Mr. *Somner* was of another Opinion: He rather thinks it was *Pevenſey*, becauſe that is near the Sea-Coaſt; but the other is more remote.

Andena, A Swath in Mowing. See *Dole*. It likewiſe ſignifies, as much Ground as a Man can ſtride over at once.

Andening of Kile, 17 *Ed* 4. *cap.* 4. Signifies the Burning them, and comes from the Sax. *Onelan*, *accendere*.

Anelacius, A ſhort Knife or Dagger. 'Tis mentioned in *Mat. Pariſ. viz. Lori à erat indutus, geſtans* Anelacium *ad Lumbare*, pag. 277.

Anfeldtyhde. *Et ſi* Anfeldtyhde *ſit, immergatur manus poſt lapidem, vel examen uſque ad wriſte.* Leg. Adelſtan. cap. 19. *apud* Brompton. Mr. *Somner* tells us it ſhould be *Anſealtikle*, *i. e.* a Simple Accuſation: For the *Saxons* had two Sorts, *viz. Simplex & Triplex:* That was called a ſingle Accuſation when the Oath of the Criminal and two more was ſufficient to diſcharge him; but his own Oath, and the Oaths of five more were required to free him *à triplici Accuſatione*.

Angaria, —*Terram liberam ab omnibus* Angariis *& Exactionibus, &c. MS. penes Eliam Aſhmole, Arm.* From the Fr. *Angarie*, *i. e.* Perſonal Service; that which a Man is bound to perform in his own Perſon. *Præſtationes* Angariarum & Perangariarum, *plauſtrorum & navium*, Impreſſing of Ships.

Angelica Veſtis was a Monkiſh Garment, which Laymen put on a little before their Death, that they might have the Benefit of the Prayers of the Monks. It was from them called *Angelicus*, becauſe they were called *Angeli*, who by theſe Prayers *Animæ Salati ſuccurrebant*. And therefore where we read the Words *ad ſuccurrendum* in our old Books, it muſt be underſtood of one who had put on the Habit, and was near Death. *Si quis ad ſuccurrendum metu mortis ſe loco prænominato dederit, illic re itetur.* Monaſticon, 1 *Tom. pag.* 632. So likewiſe, *De ſuſceptis in morte*, is meant of thoſe dying Perſons who had put on the Habits.

Angild, *Angildum*, The bare ſingle Valuation or Compenſation of a Man or Thing, according to the legal Eſtimate: From the Sax. *An*, One, and *Gild*, Payment, Mulct or Fine. So *Twigild* was the double Fine: *Trigild* the Treble Fine according to the rated Ability of the Perſon. See the Laws of *Ina*, *cap.* 20. and the League between King *Alured* and *Guthurn*, *cap.* 6. *Si villanus furatus fuerit, &c. & habeas plegium, admoneas eum de* Angildo. Spelman.

Anglote, *Anlote*, *Anlot*. *Decreta* Will. Conq. *apud* Hoveden, *in* Hen. 2.——*Francigena qui tempore* Edwardi *propinqui mei fuerit in* Anglia *particeps conſuetudinum* Anglorum, *quod ipſi dicunt* Anloti & Anſcoti, *perſolvant ſecundum conſuetudinem* Anglorum.

Anglorum. The Sax. in *Lambard* reads it *Anehlot* and *An Scote*; & *in margine vulgo* Seot & Lot. The Senſe is no more, than that every one ſhould pay according to the Cuſtom of the Country, his reſpective Part and Share. *Spelman.*

Anented, (*Anentized* in Stat. 1 *R.* 3. *c.* 2. from the Fr. *Aneantir*, *i. e.* To make void,) ſignifies abrogated, annihilated, or brought to nothing. *Littleton*, *lib.* 3. *cap. Warranty*, and 3 *Inſt. fol.* 40.

Animalia otioſa are ſuch which are not uſed for to plow; as Sheep, Hogs, &c. *Fleta*, *lib.* 4. *cap.* 16. *Par.* 15. *Si fiat diſtrictio per oves & beſtias carucarum, cum ſint alia* animalia otioſa, &c.

Annales, Yearlings, or young Cattle of the firſt Year.——*Vituli primo anno poſtquam nati ſunt*, Vituli *vocantur*; *ſecundo compoto* Annales *vocantur*; *tertio* Boviculi; *quarto* Bovetti *vocantur. Regulæ compoti domus de Farendon MS.*

Annats, *Annates*, Are all one with Firſt-Fruits, *an.* 25 *H.* 8. *cap.* 20. See *Firſt-Fruits*. The Reaſon of the Name is, becauſe the Rate of *Firſt-Fruits* paid to Spiritual Livings, is after the Value of *one Year's* Profit. Annates *more ſuo appellant primos fructus unius anni Sacerdotii vacantis aut dimidiam eorum partem.* Pol. Virgil. de Invent. rer. lib. 8. cap. 2. Here obſerve, That Firſt-Fruits, *Primitiæ & Annates*, are all one. *Co.* 12. *Rep. fol.* 45.

Anni nubiles, (Lat.) when a Woman is ſaid to be *infra annos nubiles*, that is, under the Age of twelve Years; unmarriageable. *Coke's* 2 *Inſt. fol.* 434.

Anniſeed, *Semen Aniſi*, a Medicinal Seed, not unknown. *Gerard's Herbal. lib.* 2. *cap.* 327. It is noted among the garbleable Drugs, and Spices. 1 *Jac. c.* 19.

Anniverſary Days, (*Dies Anniverſarii*) Were in former Times ſolemn Days appointed in Commemoration of the Deaths or Martyrdoms of Saints, and once every Year celebrated: Alſo Days whereon, at the Return of every Year, Men were wont to pray for the Souls of their deceaſed Friends, mentioned in the Statute 1 *Ed.* 6. *cap.* 14. and 12 *Car.* 2. *cap.* 13. This was in Uſe among our Anceſtors the *Saxons*, as may be ſeen, *Lib. Rames*, *Sect.* 134. *Anniverſaria dies ideo repetitur defunctis, quia neſcimus qualiter eorum Cauſa habeatur in aliâ vitâ.* This was the Reaſon given by *Alcuinus* in his *Divine Offices.* The *Anniverſary* or yearly Return of the Day of Death of any Perſon, which the Religious regiſtred in their Obitual or Martyrology, and annually obſerved in Gratitude to their Founders and Benefactors, was by our Fore-fathers called a *Year-Day*, and a *Mind-Day*, *i. e.* a Memorial Day. This was one of the trading Arts of the Religious, who got many a Pitance and Legacy for thus recording and continuing the Memorials of their Friends. Yet abating the Superſtition, we muſt needs confeſs this Practice of theirs has been a great Advantage to the Hiſtory of Men and Times, by fixing the *Obits* of Great and Good Men.

Anno Domini, Is the Computation of Time from the Incarnation of our *Lord JESUS*, and is uſed in publick Writings; ſometimes with, and ſometimes without the Year of the King's Reign. As the Romans made their Computation from the Building of the City of *Rome*, and the Grecians by *Olympiads*: So Chriſtians in Remembrance of the happy Incarnation of our *Saviour*, reckon their Time from thence. *The Day of the Month, the Year of our Lord and Saviour Chriſt, and the Year of the King's Reign, are the uſual Dates of Deeds.* Coke's 2 Inſt. fol. 675.

Annoyance, Annoiſance, or Nuſance. (Fr. *Nuiſance*, Hurt or Offence) hath a double Signification, being uſed as well for any Hurt done to a publick Place, as a Highway, Bridge, or Common River, as to a private, by laying any Thing that may breed Infection, by incroaching, or ſuch like Means; as alſo for the Writ that is brought upon this Tranſgreſſion, of which ſee more in *Nuſance*. The Word *Annoiſance* is uſed in the Stat. 22 *Hen.* 8. *c.* 5.

Annuale, The yearly Rent or Income of a Prebendary.

Annualia, *Annats*, or a yearly Stipend aſſigned to Prieſt, for keeping the Anniverſary, or otherwiſe for ſaying continued Maſſes one Year, for the Soul of a deceaſed Perſon. —— *Inhibemus quoque diſtrictius ne aliquis Rector Eccleſiæ faciat hujuſmodi pactum cum ſuo Sacerdote, videlicet quod ipſe Sacerdos præter cætera ſtipendia poterit recipere* Annualia & Triennalia. Conſt. *Rob. Groſteſt* Epiſcopi Lincol. in Append. ad Faſcic. pag. 411.

Annua Penſione, Is a Writ (now diſuſed) whereby the King having due unto him an Annual Penſion from an Abbot or Prior, for any of Chaplains (whom he ſhould think fit to nominate, being as yet unprovided of ſufficient Living) doth demand the ſame of the ſame Abbot or Prior; and alſo willeth him for his Chaplains better Aſſurance, to give him his Letters Patent for the ſame. *Reg. Orig. fol.* 165, & 307. & *F. N. B.* 231. Where you may ſee the Names of all the Abbies and Priories bound to this, in reſpect of their Foundation or Creation; as alſo the Form of the Letters Patent, uſually granted upon this Writ.

Annuity, *Annuus redditus*, Signifies a yearly Rent to be paid for the Term of Life, or Years, or in Fee; and is alſo uſed for the Writ that lies againſt a Man for the Recovery of ſuch a Rent, if it be not ſatisfied every Year according to the Grant. *Reg. Orig. fol.* 158. *F. N. B. fol.* 152. The Author of the *New Terms of Law*, defineth *Annuity*, to be a certain Sum of Money granted to another in Fee-ſimple, Fee-tail, for Term of Life or Years, to receive of the Grantor or his Heirs, ſo that no Freehold be charged therewith, whereof a Man ſhall never have Aſſize, or other Action, but a Writ of *Annuity*. *Saint Germain*, in his Book ſtiled *Doctor and Student*, *Dial.* 1. *cap.* 3. ſheweth divers Differences between a *Rent* and an *Annuity*; whereof the firſt is, That every *Rent*, be it Rent-Charge, Rent-Service, or Rent-Seek, is going out of Land, but an Annuity goeth not out of any Land, but chargeth only the Perſon; that is to ſay, the Grantor, or his Heirs, that have *Aſſets by deſcent*: Or the Houſe, if it be granted by a Houſe of Religion. *Lit. Sect.* 220. 2. A ſecond Difference is, That for the Recovery of an *Annuity*, no Action lieth, but only a Writ of *Annuity* againſt the Grantor, his Heirs or Succeſſors. *Fitz. Nat. Brev.* 152. But of a Rent, the ſame Actions lie as do of Land, as the Caſe requireth. 3. The third Difference is, That an *Annuity* is never taken for *Aſſets*, becauſe it is no Freehold in Law, neither ſhall it be put in Execution upon a *Statute-Merchant*, *Statute-Staple*, or *Elegit*, as a Rent may. *Doct. and Stud. cap.* 30. So alſo *Dyer fol.* 345. *Pl.* 2. Alſo an *Annuity* cannot be ſevered. *Co. lib.* 8. *fol.* 52. *b.* See more *Leigh's Comment. verbo* Annuity.

Anſa ad Anſam, near *Loggleſhall* in *Eſſex*.

Anſcote,

Anſcote, the ſame with *Angild.* (*LL. W.* 1. *cap.* 64.) See *Scot and Lot.*

Anſel Weight. See *Aunſel.*

Anſul. See *Aunſel Weight. De pede, pollice, cubito, & palma, de* Anſel *balancibus & menſuris.* Thorn. Chron.

Antejuramentum and Prejuramentum, which by our Anceſtors was called *Juramentum Calumniæ.* In which they were ſo ſtrict, that both the Accuſer and Accuſed were obliged to make this Oath before any Trial or Purgation, *viz.* The Accuſer was to ſwear that he would proſecute the Criminal; and the Accuſed was to make Oath, on the very Day that he was to undergo the Ordeal, that he was Innocent of the Fact of which he was charged. *Leg. Æthelſtan. apud Lambard* 23. If the Accuſer failed, the Criminal was diſcharged; if the Accuſed, he was intended to be guilty, and was not to be admitted to purge himſelf by the Ordeal. *Leg. H.* 1. *cap.* 66.

Antiſtitum is a Word uſed in the old Hiſtories, and ſignifies a Monaſtery.

Antithetarius. 'Tis mentioned in the Title of a Chapter in the Laws of *Canutus*, (*viz. Capite* 47.) but not in the Chapter it ſelf. The Meaning of the Word is, Where a Man endeavours to diſcharge himſelf of the Fact of which he is accuſed, by recriminating, *i. e.* by charging the Accuſer with the ſame Fact.

Antivelleum, the Cape of *Cornwall.*

Apatiſatio is an Agreement or Compact made with another. 'Tis mentioned in *Upton, lib.* 2. *cap.* 12. *De officio militari, viz. Concedimus per præſentes bonum & ſalvum conductum, ac ſalvam gardiam ſive ſecuritatem* Apatiſationis.

Aplata, *i. e.* For certain: *Si verbum non direxerit ut* ailata *ſit*, for *aplata.* Leg. Adelſtan. cap. 6.

Apoziare, *i. e.* To be reduced to Poverty, *viz. Permiſit ſuos ſpoliare patriam*, Aporiare *vulgus.* Walſingham in R. 2. Sometimes it ſignifies To ſhun, or Avoid, *viz. In civitate degentes, in refectorio pompacitas laſcivaſque ſecularium delicias ut melancholiam* Aporiantes.

Apoſtare Leges, & Apoſtatare Leges, Wilfully to break or tranſgreſs the Laws, *Leg. Edw. Conf. cap.* 35. Tit. *de Heterochis. Qui leges* Apoſtabit, *were ſuæ reus ſit apud Regem, ac idem in R. Hen.* 1. *cap.* 13. where *Apoſtabit* is read *Apoſtatabit.* Spelman.

Apoſtata capiendo, Is a Writ now out of Uſe, that lay againſt one, that having entred and profeſſed ſome Order of Religion, broke out again, and wander'd up and down the Country, contrary to the Rules of his Order; for the Abbot or Prior of the Houſe, certifying this into the Chancery, under their Common Seal, and praying this Writ directed to the Sheriff, for the Apprehenſion of ſuch Offender, and Delivery of him again to his Abbot or Prior, or their lawful Attorney, were wont to obtain the ſame; The Form whereof, with other Circumſtances, you may find *Reg. Orig. fol.* 71. & 267. and *Fitz. Nat. Brev. fol.* 233. C.

Apparatus Comitatus. There was an Allowance to the Sheriff of *Bucks*, of a conſiderable yearly Sum, *ut apparatori Comitatus.* There was an Order of Court in Q. *El.* Time, for making that Allowance; but the Cuſtom and the Reaſon of it are now altered. *Vide Hales* of Sheriffs Account, *p.* 104.

Apparitor, 21 H. 8. *c.* 5. Signifies a Meſſenger that cites Offenders to appear in the Spiritual Court, and ſerves the Proceſs thereof. The Office of an *Apparitor* will beſt appear from this Commiſſion of *Walt.* Archbiſhop of *Can. Walterus Dei gratia Cant. Archiepiſc. totius Angliæ Primas, dilecto Filio Willielmo de Graſtone in* Apparitoris *Officio, in Curia noſtra Cantuar. videl't in Conſiſtorio ac Decanatu noſtro Eccleſiæ Beatæ Mariæ de Arcubus London, miniſtranti Salutem, Gratiam & Benedictionem. Perſonam tuam eo quod de fidelitate in dicto Officio per laudabile teſtimonium apud Nos multipliciter commendaris volentes proſequi cum favore, dictum* Apparatoris *Officium in Curia Conſiſtorio & Decanatu prædictis perpetuo poſſidendum tibi conferimus per præſentes. Ita tamen quod te fideliter geras in Officio prædicto memorato. Volentes & tibi ſpecialiter concedentes, ut cum in miniſterio dicti Officii per teipſum perſonaliter vacare non poteris, vel abſens fueris a Curia, Conſiſtorio & Decanatu prædictis, nihilominus per aliam idoneam perſonam, quem ad hoc aſſignandum omnia & ſingula quæ dicto incumbent Officio —— facere valeas, & jugiter exercere —— Dat. apud Lambith.* 8. *Id. Mart.* 1316.

Apparlement, Cometh from the French *Pareilment*, that is, *Similiter, Perinde, Ibidem*, in Engliſh likewiſe it ſignifies a Reſemblance or Likelihood, as *Apparlement* of War. 2 *R.* 2. *Stat.* 1. *cap.* 6.

Apparura, Furniture, *Apparel, Dominus clamat habere omnes carrectas ferro non ligatas, & omnes carrucas cum tota* Apparura. Placit. in *Itin.* apud Ceſtriam. 14 *H.* 7. *Carrucarum Apparura* is Plough-tackle, or all the Implements belonging to a Plough. Thus in our Statutes we frequently find the Tackle, *Apparel*, and Furniture of a Ship.

Appeal, *Appellum*, Cometh from the French word *Appeller*, that is, *Accire:* It ſignifies in our Common Law as much as *Accuſatio*, with the Civilians; for as in the Civil Law, Cogniſance of Criminal Cauſes is taken either upon *Inquiſition* and *Denunciation* or *Accuſation*; ſo in Ours, upon *Indictment* or *Appeal*; *Indictment* comprehending both *Inquiſition* and *Denunciation:* And *Accuſation* or *Appeal*, is a lawful Declaration of another Man's Crime (which by *Bracton* muſt be Felony at the leaſt) before a competent Judge, by one that ſetteth his Name to the Declaration, and undertakes to prove it upon the Penalty that may enſue of the contrary. To declare the whole Courſe of an *Appeal*, is not proper for this Place; I refer you to *Bracton, lib.* 3. *Tract.* 2. *cap.* 18. *cum ſequent.* Britton, *cap.* 22, 23, 24, 25. Smith, *lib.* 3. *de Repub. Angl. cap.* 3. And Staundf. *Pl. Cor. lib.* 2. *cap.* 6, 7, &c. *uſque* 17. An *Appeal* is commenced two Ways; either by *Writ*, or by *Bill*, *Staundf. ubi ſupra*; and it may be gathered by him, *fol.* 148. that an *Appeal* by Writ is, when a Writ is purchaſed out of Chancery by one to another, to this End, that he *appeal* a Third of ſome Felony committed by him, finding Pledges that he ſhall do it, and deliver the Writ to the Sheriff or Coroner, offering to undergo the Burden of the *appealing* another therein named. *Appeal* by Bill is when a Man of himſelf gives his Accuſation in Writing to the Sheriff or Coroner, offering to undergo the Burden of *appealing* the Perſon therein named. This Point of our Law, among others, is taken from the Normans, as appears plainly by the *Grand Cuſtomary, cap.* 68. where there is a ſolemn Diſcourſe both of the Effects of this *Appeal, viz.* The Order of *Combat*, and of the Trial by *Inqueſt*; of either of which it is in the Defendant's Power to make Choice. See *New Book of Entries, verbo* Appell, *Lib. Aſſ. fol.* 78. & 3. *part. Inſt. fol.* 131. *Appeals* to *Rome* were ſo great an Inter-

Interruption to all *Engliſh* Juſtice, that even in thoſe Times of Slavery, this Evaſion of National Juſtice, by *appealing* to the Pope, was forbid and ſeverely puniſhed. So when *Gilbert de Segrave*, Archdeacon of *Oxford*, in 33 *Ed.* 1. *appealed* from the King's Court to the Pope of *Rome*, he was ſummoned to *Weſtminſter*, and obliged to renounce his *Appeal* by Oath, and to find Pledges for appearing at the next Parliament.

Appeal of Mayhem, *Appellum Mahemii*, Is an Accuſing one that hath *maimed* another. But that being no Felony, the *Appeal* is but a kind of Action of *Treſpaſs*, becauſe there is nothing recover'd but Damages. *Bracton* calls this *Appellum de plagis & Mahemio*, and writes a whole Chapter about it. *Lib.* 3. *tract.* 2. *cap.* 24. See *Coke*, *vol.* 4. *fol.* 49. *a.* In King *John*'s Time, there is an *Appeal* recorded againſt a *Jew*. *Qui fecit ementulari quendam nepotem ſuum.*

Appeal of wrong Impriſonment, (*Appellum de pace & impriſonamento*) Is uſed by *Bracton* for an Action of *Wrong Impriſonment*, whereof he writes *lib.* 3. *tract.* 2. *cap.* 25.

Appeal, (*Appellatio*) Many Times uſed in the Common, as it is in the Civil Law, which is the Removing a Cauſe from an inferior Judge to a ſuperior; as *Appeal* to *Rome*. 24 *H.* 8. *cap.* 12. & *Eliz. cap.* 1. So St. *Paul appealed* from *Feſtus* to *Cæſar*. But more commonly for a private Accuſation of a Murderer, by a Perſon who had Intereſt in the Party murdered, or of any Felon, by one of his Complices with him. And thoſe that are ſo *appealed*, are called *Appellees*. 28 *E.* 1. See *Approver*.

Appellor, or **Appellant**, He who has committed ſome Felony or other Crime, which he confeſſes, and now appeals, *i. e.* accuſes others who were Complices with him, and thoſe who are ſo appealed, are called *Appellees*. *Artic. Cleri* Anglicani *oblati*. Ed. 2. *Regi*, *an.* 1316. *cap.* 10. *Placet etiam Domino Regi*, *ut Latrones* & Appellatores, *quandocunque voluerint poſſint Sacerdotibus ſua facinora confiteri.*

Appendant, *Appendens*, Is an Inheritance belonging to another that is more worthy; as *Acceſſorium Principali*, with the *Civilians*, or *Adjunctum Subjecto*, with the *Logicians*. An Hoſpital may be *Appendant* to a Manor. *Fitzh. Nat. Brev. fol.* 142. Common of Fiſhing *Appendant* to a Freehold. *Weſt.* 2. *cap.* 25. 13 *Ed.* 1. *Appendants* are ever by Preſcription. See *Co.* on *Lit. fol.* 121. *b.*

Appenditia, The Appendages or Pertinenees to an Eſtate, *&c.* So *Simon* Earl of *Northampton* gave to the Knights *Templars*, his Manor of *Merton*, *Com. Oxon. cum omnibus* Appenditiis *ſuis*. Mr. *Kennets Paroch. Antiq. p.* 110. Hence our *Pentices*, or *Pent-Houſes*, a Pent-Stock, *Appenditia domus*, *&c.*

Appennage, or **Apennage**, Freneh, *A Child's Part*, properly the Portion of the King's younger Children in *France*, where they have a Law whieh they call, *The Law of Apenages*, whereby the King's younger Sons have Dutehies, Counties, or Baronies granted to them, and their Heirs, or Heirs Males of their Bodies, the Reverſion reſerved to the Crown, and all Matters of Regality; as Coinage, levying Taxes, and the like: It is derived *ab appendendo*, or from the German word *Apanage*, whieh ſignifies a Portion. See *Gerard de Heylan*, & *Spelman's Gloſſ. in verbo* Appennagium.

Appenſura, The Payment of Money at the Seale, or by Weight. —— *Dedit Regi præfato appenſuram novem librarum puriſſimi auri juxta magnum pondus Normannorum.* Hiſtor. Elien. Edit. *Gale*, *l.* 2. *c.* 19.

Appertinances, (*Pertinentiæ*) Is derived of the Freneh word *Appertenir*, *Pertinere*, to belong to. It ſignifies in the Common Law Things both Corporeal, belonging to another Thing, as the more Principal; as Hamlets to a chief Manor, Common of Paſture, Turbary, Piſcary, and ſueh like; and Incorporeal, as Liberties, and Serviees of Tenants. *Brit. cap.* 39. Where we may obſerve, That he aeeounts Common of Paſture, Turbary and Piſcary, to be Things Corporeal. *Vide Corporeal.*

Applumbatio is the Ineorporating ſeveral Metals together. See *Bract. lib.* 2. *c.* 2. *Fleta*, *Lib.* 3. *cap.* 2. *paragraph* 12.

Appodiare is a Word uſed in our old Hiſtorians, and it ſignifies, To lean on any Thing, To prop up a Thing, *&c. Walſhingham*, *an.* 1271. *Mat. Pariſ. Chronicon Aulæ Regiæ an.* 1321.

Apponere ſignifies To pledge or pawn: *Accepta a fratre Gulielmo ſumma non modica Normanniam illi* appoſuit. *Neubrigenſis*, *lib.* 1. *cap.* 2.

Apportionment, *Apportionamentum*, Is a Dividing of a Rent into Parts, aeeording as the Land, whence the whole Rent iſſueth, is divided among two, or more. As if a Man hath a Rent-Service iſſuing out of Land, and he purehaſes Parcel of the Land, the Rent ſhall be apportioned, aeeording to the Value of the Land. So if a Man hold his Land of another by Homage, Fealty, Eſcuage and Rent, if the Lord, of whom the Land is holden, purehaſe Pareel of the Land, the Rent ſhall be apportioned. And if a Man let Lands for Years, reſerving Rent, and after a Stranger reeovers Part of the Land, then the Rent ſhall be apportioned, and the Leſſee ſhall pay, having reſpect to that whieh is reeovered, and to that whieh remains in his Hands, aeeording to the Value. But a Rent-eharge eannot be apportioned, nor Things that are entire: As if one hold Land by Service, to pay his Lord yearly at ſuch a Feaſt, a Horſe, a Hawk, a Roſe, or a Cherry, *&c.* There if the Lord purehaſe Part of the Land, the Serviee is totally extinct; beeauſe ſuch Things eannot be divided or apportioned, without Damage to the Entirety: In ſome Caſes, a Rent-eharge ſhall be apportioned; as if a Man has a Rent-charge iſſuing out of Land, and his Father purehaſes Pareel of the Lands charged in Fee, and dies, and this Pareel deſeends to his Son, who hath the Rent-eharge; there this Charge ſhall be apportioned, aeeording to the Value of the Land: Beeauſe ſueh Portion of Land purehaſed by the Father, eomes not to the Son by his own Act, but by Deſeent, and Courſe of Law. Common Appendant is of Common Right, and ſeverable; and though the Commoner purehaſe Pareel of the Land, whereto the Common is appendant, yet the Common ſhall be apportioned. But in this Caſe, Common Appurtenant, and not Appendant, by ſuch Purehaſe is extinct. *Co. lib.* 8. *fol.* 79. *Termes de Ley* 48, 59.

Apportum. —— *Ita quod proficua manerii prædicti nomine* Apporti *quolibet anno præfato* A. *in ſubventionem ſuſtentationis ſuæ ſolverentur*, *an.* 22 *Ed.* 1. It ſeems to be deduced from the French *Apport*, which beſide the Common, ſignifies the Revenue, Gain or Profit, which a Thing brings in to its Owner. And in the Place eited, it is uſed for an Augmentation given to any Abbot, for his better Support out of the Profits of a Manor. The

Word was commonly used for a Corrody or Pension: —— *Nicolaus Gwyn Prior de Andover, debet xx Marcas de quodam* Apporto, *ad capitalem Dominum ejusdem Prioris, in partibus transmarinis, in tempore pacis debito. Ex Registro evidentiarum Colleg. Wickham juxta Winton. MS.* —— *Rex Edwardus III. restituit terras Prioratuum Alienigenarum salvo nobis* Apporto, *quod præfatus Procurator alicui domui superiori solvere tenetur. Claus.* 14 *E.* 3. The Word might at first signify any Profit or Emolument *apported* or brought to another. And therefore *Du Fresne* observes in the Customary of *Rhemes*, *Apport* was the Portion which the Wife brought to the Husband.

Appofal of Sheriffs, Is the charging them with Money received upon their Account in the Exchequer. 22, 23 *Car.* 2. *Act for better Recovery of Fines due to his Majesty.*

Appofer. See *Foreign Appofer.*

Apprendre, (French) As a Fee or Profit *Apprendre*, 2 & 3 *Ed.* 6. *cap.* 8. A Fee or Profit to be taken, or received.

Apprentice, *Apprentitius*, (French *Apprentif*, and that from *apprendre*, to learn; whence the Fr. *Apprentissage*, and our *Apprenticeship*) signifies with us one that is bound in Word or Writing, to serve another Man of Trade for certain Years, upon Condition, That the Artificer, or Master shall in that mean Time endeavour to instruct him in his Art or Mystery. *Smith de Rep. Ang. lib.* 3. *cap.* 8. saith, They are a kind of Bondmen, differing only, that they be Servants by Covenant, and for a Time. Baristers at Law were heretofore called *Apprentices of the Law*, in Latin; *Apprentitii juris nobiliores*: So saith Mr. *Selden* in his Notes upon *Fortescue*, *p.* 3. And so the learned Mr. *Plowden* stiled himself. Sir *Henry Finch*, in his *Nomotechnia*, gives himself the same Title. And Sir *Edw. Coke.* 2 *Part*, *Inst. fol.* 564. holds, That *Apprentitii Legis* are called *Homines Consiliarii*, & *in Lege periti.* And in another Place —— *Apprentices and other Counsellors of Law.* Of the Word *Apprentitius*, as it signifies a young Person, bound by Indentures to a Master, who upon such Covenants, is to teach him his Mystery or Trade; I think the oldest Authority is from a Charter, dated 12 *Ed.* 3. recited in Mr. *Kennet's Parochial Antiquities*, *p.* 449. At least I have met with no Mention of them, till the Beginning of the next Reign, when *Henry de Knighton*, *sub an.* 1381. *Apprentitii quoque relictis Magistris suis illuc accurrebant.* And *Tho. Walsingham in Ric.* 2. *p* 103. *De Londonio multi Apprentitii, plures servi, sumptis albis Caputiis, invitis Magistris & Dominis sunt profecti.* Vid. *Selden* s Notes on *Fortescue*, *p.* 2. *Orig. Jurid. fol.* 143. *a.* and the Statute of *Champerty*: 33 *Ed.* 1.

Appropriation, *Appropriatio*, proceedeth from the French *Arproprier*, *i. e. Aptare*, *accomodare*; and properly signifieth in the Law of *England*, a Severing of a Benefice Ecclesiastical, which originally, and in Nature is, *Juris divini & in patrimonio nullius*, to the proper and perpetual Use of some religious Houses, or Dean and Chapter, Bishop or College: And the Reason of the Name may be this; because, that whereas Parsons ordinarily be not accounted *Domini*, but *Usufructuarii*, having no Right of Fee-simple. *Lit.* Tit. *Discontinuance.* These, by reason of their Perpetuity, are accounted Owners of the Fee-simple, and therefore are called *Proprietarii.* And before the Time of *Richard* II. it was lawful (as it seems) to *appropriate* the whole Fruits of a Benefice to an Abbey or Priory, they finding one to serve the Cure. But that King redressed that Evil by a good Law, whereby he ordained, That in every Licence of *Appropriation* made in Chancery, it should be expresly contained, That the Diocesan of the Place should provide a convenient Sum of Money, yearly to be paid out of the Fruits, towards the Sustenance of the Poor of that Parish, and that the Vicar should be well and sufficiently endowed. 15 *R.* 2. *cap.* 6. Touching the first Institution, and other Things worth the Learning about *Appropriations*, read *Plowd.* in *Grendon's* Case, *fol.* 496. *b.* & *seq.* As also *Termes de Ley verbo Appropriation.* To an *Appropriation*, after the Licence obtained of the King in Chancery, the Consent of the Diocesan, and the Patron and Incumbent are necessary, if the Church be full; but if it be void, the Diocesan and Patron may conclude it. *Plowd. ubi supra.* To dissolve an *Appropriation*, it is enough to present a Clerk to the Bishop, and he to institute and induct him: For that once done, the Benefice returns to the former Nature. *Fitz. Nat. Brev. fol.* 35. & *Co. l.* 7. *fol.* 13. See the Methods of *Appropriation*, and the fatal Abuse of thus robbing Church and Clergy, and the laudable Ways and Means of restoring *Impropriations* to the better Maintenance of Parish Priests, &c. discoursed at large, in Mr. *Kennet's Paroch. Antiq. p.* 433.

Appropriare ad honorem, To bring a Manor within the Extent or Liberty of such an Honour. *Petrus de Asherugge tunc Seneschallus honoris Sancti Walerici* appropriavit *dictum manerium ad honorem Sancti Walerici* —— Paroch. Antiq. p. 336.

Appropriare Communiam, To discommon, *i. e.* to separate and enclose any Parcel of Land, that was before open Common. So A. D. 1299. the Prior and Convent of *Burcester* granted to the Rector of *Asherugge* and the *Bon hommes* of that Place, *quod sibi possint* appropriare, & *includere pro voluntate sua tres Acras de Communi pastura in* Blakethorn, &c. Paroch. Antiq p. 336.

Approve, (*Approbare*,) To Augment, or, (as it were,) To examine to the utmost. For Example; *To approve Land* is to make the best Benefit of it by encreasing the Rent, &c. *an.* 9 *Hen.* 6. *cap.* 10. Bailiffs of Lords in their Franchises are called their *Approvers*: And by what follows, you may see what Kind of *Approvers* or *Improvers* were formerly in the Marches of *Wales*, authorized by the Prince thereof. *Richard de Lyngein* Improver *desuth Commission nostre tre-dout Seigneur le Prince deins le Counte de Hereford, & le Marches adjoygnant, a toutz yceux qui cests Letters verront ou orront, salutz. Sachez moy aver grant a une Janin de Brompton loyal & liege home nostre Seigneur le Roy, & a ses servants, de vendre & acheter bests & berbez deins le Counte de Hereford, & le Marche adjoygnant sans empechement ou arrest de nulluy, come loyal & leige hommes, a son propre use & encrese, sans refreshmente des Rebels de Gales. Et cest ma Lettre serra son Garrant. En tesmoignage de quel chose a yceste j'ay mise mon Seal. Don a Lemestre le xi. jour de Julet le ann de Regne le Roy* Henrie *le quart apres le Conquest, quarte.* —— See 2 Part. Instit. fol. 472. —— *Quod nullus liber tenens infra Baroniam illam se* appruirare *posset de vasto suo, &c.*

Approyare also occurs in old Records, as, *approyare vasta*, —— and *vastis approyatis.*

Approvementum, —— *Cum omnibus* Approvementis, & *aliis pertinentiis suis.* Mon. Angl. 2 part. fol. 607. b. Improvement.

Approvement (*Anno* 43 *Eliz. cap.* 11.) is the same with *Improvement*; but it is more particularly used for the Enclosing Part of a Common by the Lord of the Manor, leaving sufficient nevertheless for the Commoners.

The Word *Approvement* properly signifies the Profits of a Farm: *Posueruntque custodes qui medio tempore exitus & approviamenta terræ ad opus illorum custodient.* Walsingham, pag. 57.

Approver, *Approbator*, Cometh of the French *Approver*, *Approbare*; It signifies one that confessing Felony of himself, appealeth or accuseth another, one or more to be guilty of the same; and he is called so, because he must prove that which he hath alledged in his Appeals. *Staundf. Pl. Cor. fol.* 142. And that Proof is by Battle, or by the Country, at his Election that is appealed. The Form of this Accusation you may in Part gather by *Crom. Just. of Peace, fol.* 250, & 351, That it is done before the Coroner, either assigned unto the Felon by the Court, to take and record what he saith, or else called by the Felon himself, and required for the good of the Prince and Common-wealth, to record that which he saith, &c. The Oath of the *Approver*, when he beginneth the Combat, see also in *Cromp. pag. ult.* As also the Proclamation by the Herald. Of the Antiquity of this Law, you may see something in *Horn's Mirror of Just. lib.* 1. *in fine cap. del Office de Coroner*: and more at large, *Bracton. lib.* 3. *tract.* 2. *ca.* 21, & 34. *Staundf. Pl. Cor. l.* 2. *c.* 52. *cum seq.* 3. *Part. Inst. fol.* 129. See *Prover. Cum* probator *perfecerit quod promisit tenetur ei conventio, scilicet ut vitam habeat & membra, sed in regno remanere non debet, etiam si velit plegios invenire*, saith *Bracton.* See *Fleta, lib.* 2. *cap.* 52. *par.* 42. and *Staundford's Pleas of the Crown, cap.* 52.

Approvers of the King (*Approbatores Regis,*) are those that have the Letting of the King's Demeans in small Manors, to his best Advantage. *Anno* 51 *H.* 3. *Stat.* 5. And in the Statute of 1 *Ed.* 3. *cap.* 8. the Sheriffs did call themselves *King's Approvers.*

Appruare is to take to his own Use or Profit, *viz. Domini vastorum & boscorum, &c.* appruare *se possunt de vastis, &c.* W. 2. cap. 50.

Apulby. See *Abbalia.*

Aquage, Aquagium *quasi* Aquæ agium, *i. e.* aquæ ductus, aquæ gangium, aquæ iter, *a Watercourse.* —— *Non liceat alicui de cætero facere dammas vel fordas, aut alia impedimenta in aliquibus landeis, water-gangiis, fossatis, sive* aquagiis *communibus in marisco prædicto.* Ordinatio Marisci de Romney facta tempore H. 3. & *Ed.* 1. See *Watergage.*

Arabant *ad Curiam Domini*, Was intended of those who held by the Tenure of ploughing and tilling the Lands of the Lord, *infra Curiam*, i. e. *manerium suum. Spel. Gloss. verb. Arabant.*

Aralia, Plur. Arable Grounds, *Domesday* Tit. *Essex. Rex. hundred. de Cheremesford.* —— *Silva* 20 *porc. decem Acr. prati* 2. *noncul. Quatuor* Aralia 23 *porc.* 50. *oves* 24. *caponei*, &c.

Arbitrator, May be taken to proceed either from the Latin (*Arbitrator*) or the French (*Arbitre*) and signifieth an extraordinary Judge in one or more Causes between Party and Party, chosen by their mutual Consents. *West. Sym. Part.* 2. Tit. *Compromise, sect.* 21. who likewise divideth *Arbitrement* into General, that is, including all Actions, Quarrels, Executions and Demands, and especial, which is of one or more Matters, Facts, or Things specified, *ibid. sect.* 2, 3, 4. The *Civilians* make a Difference between *arbitrum* and *arbitratorem, lib.* 76. π *pro socio*; for though they both ground their Power upon the Compromise of the Parties, yet their Liberty is divers: For *Arbiter* is tied to proceed and judge according to Law, with Equity mingled. *Arbitrator* is permitted wholly to his own Discretion, without Solemnity of Proceess, or Course of Judgment, to hear and determine the Controversy committed unto him; so it be *juxta arbitrium boni viri.* See *Alto & Basso.*

Arbitrement, Is an Award, or Determination, made by one, or two at the Request of two Parties at least. To every *Arbitrement* five Things are incident, *scil.* 1. Matter of Controversy. 2. Submission. 3. Parties to the Submission. 4. Arbitrators, and 5. Giving up of the *Arbitrement. Dyer*, 217. *Pl.* 60. How an *Arbitrement* may be avoided, see 7 *H.* 6. *c.* 40. And *Termes de la Ley, f.* 54. Also no Party shall be bound by an *Arbitrement*, unless the Award be delivered unto him. As it is, *Co. lib.* 5. *f.* 103. And *lib.* 8. *f.* 98.

Arca Cyrographica, or Cyrographorum Judæorum, was a common Chest with three Locks and Keys, kept by certain Christians and Jews, specially designed for that Purpose, wherein all the Contracts, Mortgages, and Obligations, belonging to the Jews were kept, to prevent Fraud; and this by Order of King *Richard* I. *Hoveden's Annals, Parte poster. pag.* 745.

Arceonis, *Arcus Ephippiarius.* French, *Arcon* de Selle de Cheval; English, *Saddle-bow.* —— *Bertramus le Wyle tenet terras in Braham Com. Bedf. de Domino Rege per Serjantiam veddendi per annum unum par* Arceonum *ad Sellam*; & *Prior de* Neunham *tenet terram in Surrey de Domino Rege, in capite per Serjantiam, reddendi per annum unum par* Arceonum *dealbatum ad Sellam.* Tenur. p. 37.

Arch-deacon, *Archilevita, Archidiaconus.* In the Primitive Church, the *Archdeacon* was employ'd by the Bishop in more servile Duties of collecting and distributing Alms and Offerings, and seems to have been subservient to the Arch-Presbyters, the Urban or Rural Deans of Christianity, to whom they were originally as much inferior, as their Order of *Deacon* was to that of Priests: Till by the Advantages of a Personal Attendance on the Bishop, and a Delegation to examine and report some Causes, and Commission to visit some remoter Parts of the Diocese, they became in Effect Eyes to the Overseers of the Church; and by degrees advanc'd into considerable Dignity and Power. *Lanfranc* Archbishop of *Canterbury*, was the first Prelate in *England*, who instituted an *Archdeacon* in his own Diocese about the Year 1075, when upon the Death of *Godwyn*, the Suffragan Bishop of St. *Martin's*, he would not consecrate any other assisting Bishop, but ordain'd *Valerius* Archdeacon, to execute the like Jurisdiction within his Diocese of *Canterbury.* Which Example gave Occasion to the Establishing of *Archdeacons*, and Allotting their Districts in every other Diocese, within few Years after *Lanfranc.*

Archery was a Service of keeping a Bow for the Use of the Lord, to defend his Castle. *Johannes de* Archier *qui tenet de Domino Rege in capite per Serjeantiam* Archeriæ. Co. Litt. Sect. 157.

Arches Court, (*Curia de arcubus*) Is the chief and most ancient Consistory that belongeth to the Archbishop of *Canterbury*, for the debating of Spiritual Causes; and is so call'd from the Church in *London*, dedicated to the Blessed Virgin, commonly called the Church of St. *Mary le Bow*, where it is held; and the Church is named *Bow-*

Bow-Church, from the Fashion of the Steeple, whose top raised of Stone Pillars, is huilded Archwise, like so many bent Bows. The Judge of this Court, is termed *The Dean of the* Arches, or *The Official of the* Arches Court. *Dean of the* Arches, because with this Officiality, is commonly joined a peculiar Jurisdiction of thirteen Parishes in *London*, termed a *Deanery*, being exempt from the Authority of the Bishop of *London*, and belonging to the Archbishop of *Canterbury*; of which the Parish of *Bow* is one, and the Principal, because the Court is there kept. Others conceive that he was first called *Dean of the Arches*, because the *Official* to the Archbishop being many Times employ'd abroad in Embassies for the King and Realm; the *Dean of the Arches* was his Substitute in this Court, and by that Means the Names became confounded. The Jurisdiction of this Judge is ordinary, and extendeth it self through the whole Province of *Canterbury*. So that upon any Appeal made, he forthwith, and without any further Examination of the Cause, sends out his Citation to the Appellee, and his Inhibition to the Judge from whom the Appeal was made. Of this you may read more in *Hist. de Antiquit. Eccles. Britan.* And 4 *Part*, *Inst. fol.* 337.

Archives, *Archiva*, A derivative from *Arca*, a Chest. The *Rolls*, or any Place where ancient Records, Charters, and Evidences are kept; also the *Chancery*, or *Exchequer-Office*. Also the private Repository in *Libraries*.

Ardesiæ were a Sort of Tiles of a blue Colour, like our *Cornish* Slate.

Areche is an old Word, signifying to divulge; from whence we derive the Word *Reckon*.

Arentare, To Rent out, or set at a certain Rent. ——*Ricardus de Armestone Ballivus manerii de Kingesford, mali iose & per violentiam dictos Religiosos de eadem piscaria ejecit, & ipsam Domino suo* Arentari *fecit in* 12 *sol. quos idem Dominus per* 6 *annos recepit.* — Consuetud. Domus de Farendon, MS. f. 53.

Arreisment, Surprise, Affrightment. ——To the great *Arereisment* and Ertenysement of the Common Law. *Rot. Parl.* 21 *Ed.* 3.

Argentarius Miles is mentioned in *Gerv. Tilbury: Et dicitur qui ab inferiori scaccario ad superius defert loculum examinandi* argenti, *ubi videtur* miles *poni pro gregario famulo.*

Argentum Album, Silver Coin, or current Money. By Doomsday Tenure, some Rents to the King were paid in *Argento albo*, common Silver Pieces of Money, other Rents *in libris ursis & pensatis*, in the Metal and full Weight and Purity. So the King's Manor at *Brehul*, *Com. Buck. reddebat per annum* 28 *libras de* albo argento, *& pro foresta* 12 *libras ursas & pensatas. Paroch. Antiq. p.* 165. Hence in the next Age, that Rent which was paid in Money was called *Blanch-fearm*, and afterwards *White-rent*; and what they paid in Provision was term'd *Black-mail.*

Argentum Dei, God's Money; That is, Money given in Earnest upon the making of any Bargain. It is still called *God's Penny* in the North: I meet but with this one Authority of taking such Money in Hand as an Earnest of a remaining Sum. ——*Adam de Holt vendidit quintam partem manerii de Berterton Henrico Scot. & cepit de prædicto Henrico tres denarios de* Argento Dei, *præ manibus. Placit. apud Castr.* 2 *Ed.* 3. Hence *Arles*, Earnest; and *Arles-Penny*, now used in *Yorkshire*, where they likewise call Servants Vails *Arles.*

Argumentosus, Is a Word mentioned by our Historian *Neubrigensis*, and signifies Ingenious: *In picturis quoque opera* argumentosa *vocamus.* Lib. 1. cap. 14. *Apes* argumentosæ, *&c.*

Aricomium, *Kenchester* near *Hereford.*

Arierban, Is the Edict of the King, commanding all his Tenants to come into the Army: If they refuse, then to be deprived of their Estates. From the Sax. *Here*, *Exercitus*, and *Ban*, *Edictum.*

Arietum levatio, an old sportive Exercise, which seems to have been the same with running at the *Quintan*, or *Quintal.* See *Quintan.*

Arma dare, To Dub or make a Knight, *An. Dom.* 1144. 10 *Steph. Ego Brientius filius Comitis, quem bonus Rex Henricus nutrivit, & cui* arma dedit *& honorem.* So *Arma capere*, to be made a Knight. *A. D.* 1278. 31 *Ed.* 3. *A die quo dictus Comes (i. e. Henricus de Lacy)* arma *militaria à Domino Henrico Rege data nostro cepit.* See Mr. *Kennet's* Parochial Antiquities, *p.* 101, 289. *Quem etiam præmature militem fecit donatum chlamyde cocciuea, gemmato baltheo, ense saxonico, cum vagina aurea.* Malms. lib. 2. cap. 2. *de Æthelstano.* So in *Hoveden*, *Part* 1. *Post hæc in hebdomada Pentecostes, filium suum Henricum apud* Westm. *armis militaribus honoravit.* And in *Walsingham*, *pag.* 507. *Die Dominica in vigilia Purificationis, Edwardus juvenis suscepit* arma *militaria.* 'Tis true, the Word *Arma* in these Places signifies only a Sword, but sometimes a Knight was made by giving him the whole *Armour*: Thus we read, *Lanfrancus Dorobernensis Episcopus eum lorica induit, & galeam capiti imposuit; eique & Regis filio militiæ cingulum in nomine Dei cinxit. Ordericus Vitalis.* Lib. 8. *de Henrico, &c.*

Arma deponere, Was enjoin'd when a Man had committed an Offence. *LL. Hen.* 1. *cap.* 68.

Arma libera Were a Sword and a Lance which were usually given to a Servant, when he was made free.

Arma molita, Sharp Weapons that cut, and are not blunt, which only break or bruise, *Bract. lib.* 3. *tract.* 2. *ca.* 23. & *Staundf. Pl. Cor.* 78, 79. *Bracton's* Words be these, Arma molita *plagam faciunt, sicut gladius & hujusmodi: Ligna vero & lapides, brusuras, orbes & ictus, qui judicari non possunt ad plagam, ad hoc ut inde venire possit ad duellum.* And *Fleta lib.* 2. *c.* 33 *par.* 6. calls them *arme emolita.*

Arma mutare was a Ceremony used to confirm a League or Friendship.

Armandiæ, or *jus Armandiæ. Habent Principes plura jura sive regalia ut sunt* Armandiæ, *quod exponitur per aliquos esse jus faciendi fieri* arma; *& per alios esse littora quæ sunt publica & regalia quoad defensionem ac protectionem, ut prohibeant ibi fieri quicquam si usus litoris publicus impediatur* MS. *vocat. antiquæ Viæ, penes Tho. Street. Servien. ad legem.*

Arma reversata. This was when a Man was convicted of Treason or Felony. Thus *Knighton*, speaking of *Hugh Spencer*, *Primo vestierunt eum uno vestimento cum* armis reversatis. *lib.* 3. *pag.* 2546.

Armigeri; Not only a Title of Dignity, but the common Appellation of Servants, especially in Convents. I suppose the better Sort of Servants, yet such as wore Liveries in the Priory of *Burcester*, where in 4 *Hen.* 6. the Prior and Bursar accounted —— *& in blodeo panno empto pro* Armigeris *& valettis Prioris de Johanne Bandye de* Magna-Tue. *Pannario erga Natale Domini hoc anno* 7 *lib.* 15. *fol.* 11. *Ken. Paroch. Antiquit. p.* 576. This is the same servile Office, which by Sir *Henry Spelman* is called *quædam Species* Armigerorum in the Abbey of *Battle*, *Com. Suss.* where the Abbot and Convent granted *Hugoni Francey* Armigero *suo*, a

yearly Preſtation or Wages, and a cuſtomary Livery.

Armour or **Arms**, (*arma*) in the Underſtanding of Law, are extended to any Thing that a Man wears for his Defence, or takes into his Hands, or uſeth in his Wrath to caſt at or ſtrike another. *Crompt. Juſtice of Peace, fol.* 65. So that *Armorum Appellatio non ubique ſcuta & gladios, & galeas ſignificat, ſed & fuſtes & lapides.*

Arms are alſo what we call in Latin *Inſignia*, Enſigns of Honour.

Armiſcare is a Sort of Puniſhment decreed or impoſed by the Judge. *Malmsb. lib.* 3. *pag.* 97. *Walſingham, pag.* 430. At firſt it was to carry a Saddle at his Back in Token of Subjection, *viz. Nudis veſtigiis equeſtrem ſellam ad ſatisfaciendum humeris feret.* Thus *Brompton* tells us, that in the Year 1176, the King of the *Scots* promiſed *Hen.* the 2d. at *York, Lanceam & ſellam ſuam ſuper Altare Sancti Petri, ad perpetuam hujus ſubjectionis memoriam offerre.*

Arnaldia, *Arnoldia:* A Sort of Diſeaſe, that makes the Hair fall off, like the *Alopecia*, or like Diſtemper in Foxes. ——*Deinde uterque Rex incidit in ægritudinem quam* Arnaldiam *vocant, in qua ipſi ad mortem uſque laborantes capillos ſuos depoſuerunt. Rog. Hoveden. Ric.* 1. *p.* 693. & *Brompton. col.* 1201. ——*Cum autem Rex Ricardus per aliquot dies ibi moram feciſſet, graviſſimam incurrit ægritudinem, quæ vulgo* Arnoldia *vocatur, ex ignotæ regionis conſtitutione cum ejus naturali complexione minus concordante. Gaufridi Vineſaulf, Ricardi Regis, Iter Hieroſ. cap.* 4. *l.* 3.

Arpen, or **Arpent**, (Fr.) an Acre or Furlong of Ground: The moſt ordinary one, called *L'Arpent de France*, is one hundred Perches ſquare, after eighteen Foot to the Perch; ſome account it but half an Acre, This Word is often found in *Domeſday*, *Quatuor* Arpenni *vineæ noviter plantatæ.* Tit. *Middleſex.*——*Septem acras terræ & unum* Arpentum *quæ me contingebant per Eſchaietam.* Ex Reg. Priorat. de *Wormſley, fol.* 7. *b.* where *Arpen* ſeems to be ſome Quantity leſs than an Acre. Hence *Arpentator* is uſed for a Meaſurer of Lands.

Arraiatio Peditum, the *Arraying* of Foot Soldiers. *Pat.* 1 *Ed.* 2. *p.* 1. *m.* 3.

Arrain or **Arraign**, (from the French *Arranger*, *i. e.* To ſet a Thing in Order, or in its Place,) hath the ſame Signification in Law: For he is ſaid to *arraign* a Writ of *Novel Diſſeiſin*, who prepares and fits it for Trial before the Juſtices of the Circuit. *Old Nat. Br. fol.* 109. *Littleton* (*pag.* 78.) uſeth the Word in the ſame Senſe, *viz. The Leſſee arraigneth an Aſſiſe of Novel Diſſeiſin.* To *arraign the Aſſiſe* is to cauſe the Tenant to be called, to make the Plaint, and to ſet the Cauſe in ſuch Order, as the Tenant may be forced to anſwer thereto. *Coke on Littl. fol.* 262. *b.* Alſo a Priſoner is ſaid to be *arraigned*, when he is indicted and brought forth to his Trial. *Arraigned* within the Verge upon Murder. *Staundf. Pl. Cor. fol.* 150. The Manner of this *Arraignment* you may read in Sir *Thomas Smith de Rep. Angl. lib.* 2. *cap.* 23.—— The Learned *Spelman* is of Opinion it ſhould be written *Arrame*, from *Arramare*, and that from the old French *Arramir*, i. e. *Jurare, promittere, ſoleniniter profiteri.* But this muſt be a Miſtake: For in the *Regiſter* we find no ſuch Word as *Arramare*; but in all the Writs of Aſſiſe 'tis *Arrainavit:* And ſo it is in the Year-Books, and in *Fitzh. Nat. Brev.* The true Derivation is from the Fr. *Arraiſonner*, i. e. *Ad rationem ponere*, viz. To call a Man to anſwer in Form of Law. And this comes from the barbarous Lat. *Adrationare.* i. e. *Placitare:* So that when a Criminal is *arraigned*, 'tis *ponere eum ad rationem.*

Arrap. Arrayed in barbarous Latin is *Arraiatus, i. e.* Well appointed or provided; and that comes from the old French Word *Arraye*, or *Arroye.* Thus we read in *Thorn's Chron. Gentes ſufficienter munitas &* arraiatas: And in *Knighton, Lib.* 3. *Rediit tota fortitudo, &c. diſtincta & bene* arraiata. So that it ſignifies, in a particular Manner, Military Order; but now a Ranking or Setting forth a Jury of Men empanelled upon a Cauſe. 18 *Hen.* 6. *cap.* 14. Hence the Verb to *Array* a Panel. *Anno* 3 *H.* 5. *cap.* 5. and *Old Nat. Br.* 157. That is, To ſet forth the Men empanelled one by another. The *Array* ſhall be quaſhed. *Ibidem.* By the Statute every *Array* in Aſſiſe ought to be made four Days before. *Brook*, Tit. *Pannel. Numb.* 10. To challenge the *Array. Kithen, fol.* 92. See *Challenge.* To lead and conduct Perſons armed and *arrayed.* 14 *Car.* 2. *cap.* 3.

Arrayers, (*Arraiatores*) is uſed in the Statute, 12 *Rich.* 2. *cap.* 6. for ſuch Officers as had Care of the Soldiers Armour, and did ſee them duly accoutred in their Kinds. Such were the Commiſſioners of *Array*, appointed by King *Charles* the Firſt, in the Year 1642. and *Edward* the Third, in the firſt Year of his Reign, appointed ſuch Commiſſioners to *array* Men againſt the *Scots: Edw. Dei Gratia Rex Angliæ, Dominus Hib. & Dux Aquit. dilectis & fidelibus ſuis Johanni de Occleſthorp & Johanni de Fenton, electoribus &* Arraiatoribus *hominum in Wapentachio de Barkeſton, ſalutem. Cum ad repellendam Scotorum maliciam qui regnum noſtrum hoſtiliter ſunt ingreſſi, homicidium, depredationes, incendia & alia mala* ——*citia perpetrando verſus partes Marchiæ Scotiæ, &c. Inde Scoti cum toto poſſe ſuo, ut pro certo didicimus, prope civitatem noſtram Karleoli iſta die Martis ſe congregare proponunt, &c. Nos conſiderantes periculum, &c. Omnes homines defenſibiles & potentes ad pugnandum ejuſdem Wapentachii tam milites quam alii, &c. T. meipſo apud North-Alverton xiii die Junii, Anno Regni noſtri primo.*

Arrearages, (from the Fr. *Arriere, aretro,*) the Remainder of an Accompt, or a Sum of Money remaining in the Hands of an Accomptant. It is ſometimes uſed more generally for any Money unpaid at a due Time; as *Arrearages* of Rent. That this Word is borrow'd from the French, appears by *Tiraquel, De utroque retractu*, Tom. 3. pag. 3. num. 10.

Arrectatus, Suſpected, Accuſed. *Offic. Coronat. Si autem aliquis* arrectatus *fuerit de morte alicujus periclitantis, capietur & impriſonetur.* From the old *Norman*, rette. *Weſtm. cap.* 1. *Quaunt Clerk eſt priſe pour* rette *de felonie.* —*Ceus queux ſont endites de tiel* rette *per ſolemne inqueſt.* So *cap.* 21. *Spelman.*

Arrenatus, Arraigned. *Stephanus Rabaz, Vic. Leic.* arrenatus & *ad rationem poſitus de hoc quod, &c.* Rot. Parl. 21 Ed. 1.

Arrentare is a Word often mentioned in our Hiſtories, and it ſignifies To rent, *Viz. Nec terræ vel tenementa eorum eâ occaſione* arrententur. *Charta, Ed.* 1. And in the *Monaſticon*, 2 *Tom. pag.* 273. viz. *Reddendo nobis per Annum* 56 *ſolidos ad quos vaſta & aſſarta ſua in diverſis foreſtis* arrentanda *aſſignatos* arrentabantur. And in *Conſuetud. Domus de Farendon.* MS. fol. 53. *Ricardus de Armeſtone Ballivus Manerii de Kingesford, malitioſe & per violentiam dictos Religioſos de eadem Piſcaria ejecit, & ipſam Domino ſuo* arrentari *fecit in* 12 *ſol. quos idem Dominus per* 6 *annos recepit.*

Arrentation, (from the Span.) *Arrendare, q. Ad certum redditum dimittere, Ordin. Foreſtæ,* 34 *Edw.* 1. *cap.* 5.) ſignifies the Licenſing an Owner of Lands in the Foreſt, to encloſe them, (*Baſſa haya & parvo foſſato, i. e.* with a low Hedge, and ſmall Ditch, which is according to the Aſſiſe of the Foreſt,) under a yearly Rent. *Saving the Arrentations* is a ſaving Power to give ſuch Licences for a yearly Rent. Rents for Purpreſtures *arrented, Anno* 22 *Car.* 2. *cap.* 6.

Arreſt, Fr. A Stop or Stay, and is metaphorically uſed for a Decree, or Determination of a Cauſe debated or diſputed *pro* and *con*; as *Arreſt du Senat, i. e. Placitum Curiæ.* With us *Arreſt* is taken for the Execution of the Command of ſome Court or Officer of Juſtice; and a Man ſtopped, ſtayed, or apprehended for Debt, &c. is ſaid to be *arreſted*, which may be called *The Beginning of Impriſonment.* See *Hantelode.* To move or plead in *Arreſt* of Judgment, is to ſhew Cauſe why Judgment ſhould be ſtaid, notwithſtanding the Verdict be given. To plead in *Arreſt* of taking the Inqueſt upon the former Iſſue, is to ſhew Cauſe why an Inqueſt ſhould not be taken, &c. *Brook.* Tit. *Repleader.* For preventing of *Arreſts* of Judgments, ſee Statute 16 & 17 *Car.* 2. *cap.* 8. *Budæus* (ſays *Lambard Eirenarch. lib.* 2. *cap.* 2. *pag.* 94) in his *Greek Commentaries*, thinks that the French Word *Arreſt*, which with them (as we ſaid) ſignifies the Decree or Judgment of the Court, took Beginning from the Greek ἄρεσδ, *i. e. Placitum*, as we may ſay the Pleaſure of the Court, yet I believe rather that we receive the ſame from the *Normans* Law, becauſe we uſe it in the ſame Senſe with them: For commonly with us an *Arreſt* is taken for the Execution of the Commandment of ſome Court, or of ſome Officer of Juſtice: But howſoever the Name began, an *Arreſt* is a certain Reſtraint of a Man's Perſon, depriving him of his own Will, and binding him to become obedient to the Will of the Law: Precepts and Writs of the Higheſt Courts of Law, do uſe to expreſs it by two ſeveral Words, *Capias* and *Attachies*, to take or catch Hold of: And it ſeems that this Word is ſpread farther than *France*, for *Gale*, a *German* Writer, ſhews by his *Tractate, De Arreſtis Imperii*, that it is uſed in the Imperial Treaties, in the ſame Signification. *cap.* 1. *n.* 1.

Arreſtandis bonis ne diſſipentur is a Writ which lies for him whoſe Cattel or Goods are taken by another, who during the Controverſy doth or is like to make them away, and will hardly be able to make Satisfaction for them afterward. *Regiſter of Writs, fol.* 126.

Arreſtando ipſum, qui pecuniam recepit ad proficiſcendum in obſequium Regis, &c. is a Writ which lies for the Apprehenſion of him that hath taken Preſt-Money for the King's Wars, and hides himſelf when he ſhould go. *Regiſter of Writs, fol.* 24. *b.*

Arreſto facto ſuper bonis mercatorum alienigenorum, &c. is a Writ which lies for a Denizen againſt the Goods of Strangers of any other Country, found within this Kingdom, in Recompence of Goods taken from him in that Country, after he hath been denied Reſtitution there. *Regiſter of Writs, fol.* 129. *a.* This among the ancient *Civilians* was called *Clarigatio*, now barbarouſly *Repriſalia.*

Arretted, *Arrectatus, quaſi, Ad rectum vocatus*, that is, He who is converned before a Judge, and charged with a Crime. It is ſometimes uſed for Imputed or laid unto; as, No Folly may be *arretted* to one under Age. *Littleton, cap. Remitter. Chaucer* uſeth the *Verb* Arretteth, *i. e.* Layeth Blame, as it is interpreted. *Bracton* ſays, *Ad rectum habere Malefactorem, i. e.* To have the Malefactor forth coming, ſo as he may be charged, and put to his Trial, *Lib.* 3. *tract.* 2. *cap.* 10. And in another Place, *Rectatus de morte hominis*, charged with the Death of a Man.

Arrpenneꝛ, *Arpennus*, the ſame with *Arpennis*, an *Arpen* or *Arpent. Ego Bernardus de Novo Mercato, conſenſu Henrici Regis, pro anima Joannis patris ſui, dedi Sanctæ Trinitati Sanctoque Martino de Bello in Gualia ſuper littus præfati fluminis, quod Tile dicitur tres* Arrpennes *pratorum. Cartular. S. Jo. de Breon, MS.*

Arrura, — *Hoc Scriptum factum apud Sutton Courtenay*, 30 Die Dec. 4 Edw. 3. *inter Dominum Hugonem de Courtenay ex parte una & Ric. de Stanluke & Johannam uxorem ejus ex altera, teſtatur, quod idem Dominus Hugo in excambium — remiſit —eiſdem Ricardo & Johannæ —omnimoda opera, viz.* Arruras, *Meſſiones & Cariagia, & alia quæcunque opera. —Et ipſi non dabunt* Heuſee, &c. *Penes Tho. Wollaſcote de Sutton tradict. Ar.* And in the Black Book of *Heref.* I find *De operationibus* Arruræ which ſignifies Days-Works of Plowing: For, of old, Cuſtomary Tenants were bound to plow certain Days for their Lord.

Arſura, The Trial of Money by Fire after it was coined. *Auri vel argenti conflatio purgationis ergo vel examinis.* Where it is ſaid in *Domeſday, Reddit* 50 *l. ad* Arſuram, it is meant of lawful and approved Money, whoſe Allay was tried by Fire.

Art and Part is a Term uſed in *Scotland* and the North of *England.* When one is charged with a Crime they ſay, He was *Art and Part* in committing the ſame, *i. e.* That he was both a Contriver, and acted his Part in it.

Arthel, (*An.* 26 *H.* 8. *cap.* 6. —And that no Perſon or Perſons ſhall hereafter, at any Time, caſt any Thing into the Court within Wales, or the Lordſhips Marches of the ſame, by the Mean or Name of an Arthel, by reaſon whereof the Court may be letted, diſturbed, or diſcontinued for that Time, upon Pain of,'&c.) is a *Britiſh* Word, and is more truly written Arddelw, which the *South Welſhmen* write Ardhel, and ſignifies (according to Dr. *Davis*'s Dictionary) *Aſtipulari, Aſſerere, Vindicare; Aſſertio, Vindicatio*; Angl. Avouch. Example; Ac dellr dyn, 'ai ledrad yn ei Law rhaid iddo geiſio Arddelw cyfreithlon, i ſwrw ei ledrad oddiwrtho, i. e. If a Man be taken with ſtoln Goods in his Hands, he muſt be allowed a lawful Arddelw (Vouchee) to clear him of the Felony: Which is Part of the Law of *Howel Dda*; but probably was ſo abuſed in *Henry* the Eighth's Time, by the Delay or Exemption of Felons and other Criminals from Juſtice, that Proviſion by this Statute was made againſt it. According to the Laws of *Howel Dda*, every Tenant holding of any other than of the Prince or Lord of the Fee, paid a Fine *pro defenſione Regia*, which was called Arian Ardhel.

Articles of the Clergy (*Articuli Cleri*) are certain Statutes made touching Perſons and Cauſes Eccleſiaſtical, *Anno* 9 *Edw.* 2. and *Anno* 14 *Edw.* 3. *Stat.* 3.

Articulus, an Article or Complaint exhibited by Way of Libel in a Court-Chriſtian: Sometimes the Religious bound themſelves to obey the Ordinary without ſuch Proceſs: As *Anno Dom.*

1300,

1300, the Prior and Convent of *Burceſter* ſubmitted themſelves to the Official of *Lincoln*, &c. *Quod poſſint, eos & eorum ſucceſſores per omnem cenſuram Eccleſiaſticam ad omnium & ſingulorum præmiſſorum obſervationem, abſque* articulis *ſeu libelli petitione, & quocunq; ſtrepitu judiciali compellere. Paroch. Antiq. Pag.* 344.

Arundinetum, Ground, or a Place where Reeds grow. 1 *Inſt. fol.* 4. *b.*

Arvil-Supper, a Feaſt or Entertainment given at Funerals, which Cuſtom is ſtill retained in ſome of the North, and North-weſt Parts of *England*. So *Arvil-bread*, the Loaves diſtributed to the Poor at ſuch Funeral Solemnities. And *Arvil*, *Arval*, *Arfal*, are uſed for the Burial or Funeral Rites. As

Come, bring my Jerkin Tibb, Ile to the Arvil,
Yon Man's dea Seuy Seoun, it makes me Marvil.
Yorkſhire Dial. p. 58.

Arura, *pro Aratura*. Ploughing: *Una arura*, One Day's Work at the Plough.——*Tenet in bondagio & debet unam* aruram *in yeme, & unam ſurculaturam*. Paroch. Antiq. p. 401. Hence in *Wiltſhire* to *Ear* is to plough, and an *Earing* is a Day's Ploughing. In which Senſe the Word occurs in many Parts of the Old Teſtament, as *Gen.* 45. 6. *Deut.* 21. 4. 1 *Sam.* 8. 8. 12, *&c.*

Aſcenſorium, *i. e.* Steps by which one aſcends. *Brevis eſt ſcala, non laborioſa, tribus tantum diſtincta* aſcenſoriis. *Petrus Bleſenſis.* Term. 24.

Aſceſterium (*Archiſterium*, *Aſſiſterium*, *Aciſteriuni*, *Aſcyſterium*, *Architrium*, *Arciſteriuni*) is a *Greek* Word, and ſignifies a Monaſtery. It often occurs in our old Hiſtories. *Du Cange.*

Aſecreta, a Seeretary.

Aſſach, or **Aſſath**, Was a ſtrange Kind of Purgation, uſed of old in *Wales*, by the Oaths of 300 Men: For ſo I find it explicated in ancient MSS. *Aſſach eſt un Jur. de* 300 *homes in Gales*; and is now abrogated. But this Cuſtom prevailed to 1 *H.* 5. where a Statute *cap.* 6. reports it thus. ——Walli *empriſonez* (Anglos) *tanq. al temps que ils ount fait gree a eux en cel partie, ou que ils vorront ſe excuſer* (*de le mort des tiels Rebelles enfytuez*) *per un* Aſſath *ſclonq la cuſtome de Gales*; *ceſt a dire per le ſerement de ccc. homnes, &c.* Spelman.

Aſſart, *Aſſartum*; In the Opinion of *Manwood*, *Part* 2. *ca.* 9. *nu.* 5. Of the *Foreſt-Laws*, comes from the French *aſſartir*, ſignifying to make plain, *Aſſartum eſt quod redactum eſt ad culturam*, Fleta lib. 4. cap. 21. *Item reſpondere:* It is, ſaith the ſame *Manwood*, *ca.* 9. *nu.* 1. an Offence committed in the Foreſt, by pulling up by the Roots the Woods, that are Thicketsand Covert for the Deer, and by making them as plain as arable Land. This is reputed the greateſt Offence or Treſpaſs, that can be done in the Foreſt to *Vert* or *Veniſon*, containing in it *Waſte*, or more; for whereas *Waſte of the Foreſt*, is but the felling and cutting down of the Coverts, which may grow up in Time again; an *Aſſart* is a plucking them up by the Roots, and utterly deſtroying them, that they can never grow again. And this is confirmed out of the *Red Book* in the *Exchequer*, in theſe Words, Aſſarta *vero, occaſiones nominantur, quando, &c. Foreſtæ nemora vel dumeta, paſcuis & latibulis ferarum opportuna ſucciduntur; quibus ſucciſis & radicibus avulſis terra ſubvertitur & excolitur.* And again, out of the *Reg. Orig. fol.* 257. *a, b.* in the Writ *ad quod dammum*, ſent out in Caſe where a Man ſueth for Licenſe to *Aſſart* his Grounds in the Foreſt, and to make it ſeveral for Tillage; ſo that it is no Offence, if done with Licenſe. To this alſo may *Bracton* be added, *lib.* 4. *cap.* 38. *nu.* 11. where he ſaith, That the Words *Boſcus efficitur aſſartum*, ſignify as much as *redactus in culturam*. Of this you may read more in *Cromp. Jur. fol.* 203. And in *Charta de Foreſta*, 9 H. 3. ca. 4. where the Engliſh Word is not written *aſſart*, but *aſſert*. And in *Manwood*, Part 1. p. 171. The Word is uſed 4 *E.* 1. *Stat.* 1. in the ſame Signification. That which we call *Aſſartum*, is elſewhere termed *Disbocatio: Decis* Genu. 78. *Quietus de Eſſartis*, we find in a Charter of *Henry* the Firſt to the Abbot of *Rames*, *Sect.* 198. *& in Pat.* 18 *E.* 3. p. 1. m. 19. *Et quibuſdam Satis quæ ſartaverunt homines ejuſdem foreſtæ, &c. Aſſart* was alſo anciently uſed for a Parcel of Land *aſſartea*, as appears by a Charter of *Roger* Earl of *Mortimer*, without Date, which is in the Cuſtody of Mr. *Thomas Bridgwater: Sciant, quod ego* Rogerus de Mortuo mare *Dedi Adi Piſtori pro ſervitio ſuo decem acras terræ ſuper* Mughedone *inter pratum quod fuit Petri Budelli & viam quæ vadit per medium* Mughedone. *Dedi etiam eidem Adi Duo* Aſarta *en la Hope, quæ appellantur* Ordricheſruding & Al dieheruding, *in quibus* Aſartis *continentur quinque acræ ad eandem menſuram tredecim acrarum ſuper* Mughedone, *&c. Hiis teſtibus*, Ade Salvag. Walt. de novo Menul, *&c.* The Word *Aſſartum* or *Eſſartum*, is by *Spelman* deriv'd from *Exertum*, as if Wood were thence pull'd or rooted up. Some derive it *a ſarriendo*, from weeding or cleaning Fields. *Skinner* runs into more faneiful Conjectures, *à Lat. Exarturare, i. e. artus ſeu ramos arboris deſcindere, arborem detruncare, vel ſi mavis à Lat. Exaltuare, i. e. ſaltum in agrum cultum tranſmutare.* Mr. *Somner* is mueh more rational and happy, who thinks *Exartum* to be a Contraction of *Exaratum*; to which Opinion the learned *Du Freſne* inclines. *Alii denique ab* Exaro *unde* Exaratum, *Ager exaratus, præſciſſus; & per contractionem* Exartum, *uti ſcribi paſſim in vetuſtioribus Chartis obſervare eſt. Quam ultimam ſententiam fulciunt Tabulæ veteres in Cronico* Beſuenſi, *&c.*

Aſſartments, (*Rot. Parl.* 51 *Ed.* 3. ſeem to be uſed in the ſame Senſe as

Aſſart-Rents, which were Rents paid to the Crown for Foreſt-Lands *aſſarted*. Stat. 22 *Car.* 2. *cap.* 6.

Aſſault, *Inſultus* or *aſſultus*, Cometh of the French Verb *aſſayler*, i. e. *adoriri, invadere*; and that French Word may be derived from the Latin *aſſilire*, that is, *vim afferre, oppugnare*. It ſignifies in Law a violent kind of Injury offered to Man's Perſon, of a higher Nature than Battery; for it may be eommitted by offering of a Blow, or by a threatning Speech, *Lambar. Eiren. lib.* 1. *ca.* 3. As to threaten a Collector with harſh Words, ſo that he dares not for Fear execute his Office, hath been reckon'd an *Aſſault*. To ſtrike at a Man, though he be neither hurt nor hit, hath been adjudged the like. 22 *Lib. Aſſ. Pl.* 60. That *Aſſault* doth not always imply a Blow or Striking, appears, in that in Treſpaſs for *Aſſault* and Battery, a Man may be found guilty of the *Aſſault*, and excuſed of the Battery. 25 *E. ca.* 24. The *Feudiſts* call this *Aſſultum*, and define it thus, *Aſſultus eſt impetus in perſonam aut locum, ſive hoc pedibus fiat, vel equo aut machinis, aut quacunque alia re aſſiliatur.* Zaſius de Feud. p. 10. nu. 38. And *aſſilire eſt vim adferre*, Lib. Feud. 1. Tit. 5. Sect. 1. Lat. *Aſſaltus.*——*Habeant Abbas & Monachi Radingenſes in tota poſſeſſione ſua omnem Juſtitiam de*

Assaltu, & *murdris*, & *furtis*, *de sanguinis effusione*, & *Pacis infractione*. Cart. 1 Hen. 1. in Cartular. Abbat. de Radinges, MS. f. 1. b. The Word *Assaltus* does in the like Sense occur in the Laws of *Ed.* Conf. *cap.* 12.

Assay of Measures and Weights. (Derived from the French *Essay*, *i.* a Proof or Trial,) is the Examination used by the *Clerk of the Market*, Reg. Orig. fol. 279. *Ac* assisam & assayam *panis*, *vini* & *cervisiæ*. Paten. 37 H. 8. *Tho. Marrow.*

Assayer of the King, (*Assayator Regis*) French *Assayeur*, Is an Officer of the Mint, for the due Trial of Silver, indifferently appointed between the *Master of the Mint*, and the Merchants that bring Silver thither for Exchange. 2 *H.* 6. *ca.* 12. Vessels of Gold shall be *assayed*. 28 *E.* 1. *ca.* 20. & 18 *Car.* 2. *ca.* 5. *Mandatum est Will. Hardel Clerico, quod convocatis in præsentia sua omnibus, Monetariis, Assayatoribus, custodibus, operariis, & aliis ministris de Cambiis Regis London. & Cantuar. per visum & testimonium illorum provideat, quod tot & tales operarii sint in prædictis Cambiis, qui sufficiant ad operationes regias faciendas, ne Rex pro defectu hujusmodi ministrorum dampnum incurrat. T. apud Woodstoke* 10 *Jun. Claus. Hen.* 3. *n.* 8.

Assessiare, To take Confessors or Fellow Judges. ——*Henricus Dei gratia Rex Angl. &c. dilecto & fideli suo* Nicholao de la Tur, *salutem. Sciamus quod constituimus vos Justiciarium nostrum una cum his quos vobis duxeritis* Assayssiandos *ad assisam novæ Disseisinæ capiendam.*——Cartular Abbat Glaston. MS. f. 57.

Assecurare, *Adsecurare*, To assure or make secure by Pledges, or any solemn Interposition of Faith. In the Charter of Peace between *Hen.* II. and his Sons, recorded by *Hoveden*, *sub an.* 1174. *Adsecuravit in manu Domini Regis Patris sui. quod illis qui servierunt ei, nec malum nec damnum aliquod hac de causa faciet.*

Assedation, the Setting of the King's Rents: *Ubi Ballivus Regis pacta sibi mer.ede prædia Regis minore pretio elocat.*

Assembly unlawful, Coming from the French *Assembler*, i. e. *Aggregare*, to flock together; whence also is the Substantive *Assembly*, *Congregatio*; in a legal Sense signifying the Meeting of three or more Persons, to do an unlawful Act, although they do it not. *Lamb. Eiren. lib.* 1. *ca.* 19. See *Unlawful Assembly*.

Assessor. *Fleta lib.* 1. *cap.* 15. useth it *quasi Ordinator*, *Collector*, *Dispositor*: We now use it for him who *assesseth* publick Taxes, as two Inhabitants in every Parish were *Assessors* for the Royal Aid, that is, rated every Person according to the Proportion of his Estate. *Anno* 16 & 17 *Car.* 2. *cap.* 1. Also an Officer in the Presbyterian Assemblies.

Assets, From the French *Assez*, i. e. *Satis*. *Bract. lib.* 5. *tract.* 3. *ca.* 8. *nu.* 2. And altho' this Word wear the Vizard of a Substantive, yet is it in Truth but an Adverb, and signifies Goods enough to discharge that Burthen, which is cast upon the Executor or Heir, in satisfying the Testator's or Ancestor's Debts and Legacies. See *Bro. Tit.* Assets *per descent*, that whosoever insists upon *Assets*, intends thereby that the Party charged hath enough descended, or come to his Hands, to discharge the Thing in Demand. The Author of the *New Terms of Law*, maketh two Sorts of *Assets*; Assets *per descent*, and *Assets enter mayns*: Assets *per descent* is where a Man is bound in an Obligation, and dies seized of Land in Fee-simple, which descend to his Heir, then his Land shall be called *Assets*, that is, enough or sufficient to pay the same Debt, and by that Means the Heir shall be charged as far as the Lands so to him descended will extend. But if he have alienated before the Obligation be put in Suit, he is discharged. Also when a Man seized of Lands in Tail, or in the Right of his Wife, aliens the same with Warranty, and hath in Value as much Lands in Fee-simple, which descends to his Heir, who is also Heir in Tail, or Heir to the Woman; now if the Heir after the Decease of his Ancestor, bring a *Writ of Formedon*, or *Sur cui in vita*, for the Land so alienated; then he shall be barred, by Reason of the Warranty; and the Land so descended, which is as much in Value as that which was sold, and so thereby he hath received no Prejudice; therefore this Land is called *Assets per descent*. 2. *Assets enter mayns* is when a Man indebted makes Executors, and leaves them sufficient to pay his Debts and Legacies; or some Commodity or Profit is come to them in Right of their Testator; this is called *Assets in their Hands*.

Assewiare, To draw or drain out Water from Marshy Grounds, —— *Quod ipsi marisium prædictum* Assewiare, & *secundum legem marisci wallis includere & in culturam redigere*, —— & *marisium istum sic* Assewiratum, *inclusum*, & *in culturam redactum tenere*. Mon. Ang. 2 Vol. fol. 334.

Assider or Assidare, to Tax equally. *Provisum est generaliter quod prædicta Quadragesima hoc modo* assideatur & *colligatur*. *Matt. Paris. an.* 1252. Sometimes it signifies to assign an annual Rent to be paid out of a particular Farm; as *Manerium Rex Stephanus dedit* & assedit *eis centum marcis*.

Assign, *Assignare*, has two Significations, one general, as to appoint a Deputy, or set over a Right unto another; in which Sense *Britton* saith (*fol.* 122.) This Word was first brought into Use for the Favour of Bastards, because they cannot pass under the Name of Heirs, therefore were and are comprised under the Name of *Assignees*. The other Signification is special, as to *point at*, or *set forth*; so we may say to *assign Errors*, *Old N. B. fol.* 19. that is, to shew where the Error is committed. *To assign false Judgment*, Id. fol. 17. that is, to declare how and where the Judgment is unjust. To *assign a false Verdict*. Id. fol. 112. And to *assign a Perjury*. Ann. 9. R. 2. cap. 3. To *assign the Cessor*. Old Nat. Brev. fol. 1341. To shew how the Plaintiff had ceased or given over. To *assign Waste*, is to shew wherein especially the Waste is committed. *Reg. Orig. fol.* 72. *Assign* in a general Signification is used 20 *E.* 1. and 11 *H.* 6. *ca.* 2. in these Words, *Justices assigned to take Assizes*. And the Substantive *Assignment* hath the same Signification, *West. Symbol. par.* 1. *lib.* 2. *sect.* 496. As the *Assignment of a Lease*, is the setting over the Interest of the Lessee to another. In which Manner is used also the Word *Assignee*, *assignatus*, for one that is appointed or deputed by another, to do any Act, or perform any Business, or enjoy any Commodity. And such an *Assignee* may be either by Deed, or in Law: *Assignee by Deed*, is he that is appointed by a Person; as when a Lessee of a Term *Assigns* the same to another, he is his *Assignee by Deed*: An *Assignee in Law*, is he whom the Law so makes, without any Appointment of the Person. *Dyer*, *fol.* 6. *nu.* 5. So an Executor is *Assignee in Law* to the Testator, who dies possessed of a Lease made to him and his *Assigns*. *Perkins* (Tit. *Grants*) saith, That an *Assignee* is he that occupieth a Thing in his own Right, and *Deputy* is he that doth it in the Right of another.

Assignment of Dower. See *Establishment of* Dower.

Assimulare, *i. e.* To put together. 'Tis mentioned in *Leg. H.* 1. *cap.* 8. *De via regia*, viz. *Tanta vero debet esse, ut inibi duo carri sibi possint obviare, & bubulci de longo stumbli sui possint* Assimulare, *&c.*

Assisa cadere, To be Nonsuited. In what Cases such Nonsuit is suffered, see *Fleta lib.* 4. *cap.* 15. *& lib.* 5. *cap.* 6.

Assisa, *Capi in modum* Assisæ, *i. e.* When the Defendant pleads to the *Assize* without taking any Exception to the Count, Declaration, or Writ.

Assisa cadit, *i. e.* when there is such a plain and legal Insufficiency, that the Complainant can proceed no farther in it. *Fleta lib.* 4. *cap.* 15.

Assisa cadit in juratam is where the Thing in Controversy is so doubtful, that it must necessarily be tried by a Jury. *Fleta, lib.* 4. *cap.* 15. *Bracton, lib.* 2. *cap.* 7.

Assisa Continuanda is a Writ directed to the Justices assigned to take an *Assise*, for the *Continuance* of the Cause, in Case where certain Records alledged cannot in Time be procured by the Party that would use them. *Reg. of Writs, fol.* 217.

Assisa Panis & Cervisæ, the Power or Privilege of *Assising* or adjusting the Weights and Measures of Bread and Beer. As the Weight of Bread prescribed by the Magistrate is still called the *Size* or *Assize* of Bread. So Half a Crust or Farthing-Bread is in *Cambridge* called a *Size* of Bread; and a Servitor is there a *Sizor*, or one who is to live upon such an *Assized* Allowance: Hence to *Size*, *i. e.* to match Cloths, Silks, *&c.* or to get some of the same *Assize* or Proportion: Hence *Size* for Height and Stature. *Sizely* in the North is proud and coy.

Assisa Proroganda is a Writ directed to the Justices of *Assise*, to stay proceeding by Reason of the King's Business, wherein the Party is employed. *Reg. of Writs, fol.* 208, & 221.

Assize, Cometh of the French *Assise*, which in the Grand Customary of *Normandy, ca.* 24. is thus defined. *Assize* is an Assembly of Knights, and other substantial Men, with the Bailiff, or Justice, in a certain Place, and at a certain Time appointed: And again *ca.* 55. *Assize* is a Court in which, whatsoever is done, ought to have perpetual Strength. This Word is properly deriv'd from the Latin Verb *assideo*, to sit together. *Littleton* in his Chapter of *Rents* saith, That it is *Æquivocum*, setting down three several Significations of it; one, as it is taken for a *Writ*; another, as it is used for a *Jury*; the Third, as for an *Ordinance*. *Assize* then is taken for a Writ directed to the Sheriff, for the Recovery of the Possession of Things immoveable, whereof any one, or his Ancestors, have been *disseized*. And this is as well of Things Corporeal, as Right Incorporeal, being of four Sorts, as here follow in Order.

Assize of Novel Disseisin, *Assisa Novæ Disseisinæ*, lies where a Tenant in Fee-simple, Fee-tail, or for Term of Life, is lately disseised of his Lands or Tenements, or else of a Rent-service, Rent-seck, or Rent-charge, of Common of Pasture, of an Office, of a Toll, Tronage, Passage, Pawnage, or for a Nusance levied, and divers other such like; for Confirmation whereof, you may read *Glanvile, lib.* 10. *cap.* 2. *Bract. lib.* 4. *tract.* 1. *per totum, Britton, cap.* 70. *& seq. Reg. Orig. fol.* 197. *F. N. B. fol.* 117, 178, 179. *New Book of Entries, fol.* 74. *col.* 3. *West.* 2. *c.* 25. *an.* 13 *E.* 1. And to this may aptly be added the Bill of *Fresh Force*, which is directed to the Officers, or Magistrates of Cities, or Towns Corporate, being a Kind of *Assize*, for Recovery of Possession in such Places, within forty Days after the *Force*, as the ordinary *Assize* is in the County. *F. N. B. fol.* 7. *A tut ceus ke cest escrit oirunt ou verrunt* Reynande de Ginges *salut. Come* Hawise de Vere *mey empleda devant Juistices en le oyer de* Chelmsford *par un Brief de* Novel disseisin *de un chemin ke io avoy estoppee ou luy & ses tenants de son Maner de* Dunham *soloyent & devoyent aleer, karier & chaseer seersus le Marcheo de* Raylee, *sans nul disturbance en un chemin kest appelle* Martinslane *ke se estent de le meason Ade Martin deskes au chemin kest appellee* Grunshevet. *Jo pur moy & mes heires voile & graunt a lavandit* Hawise *& a ses heires & a ses avantdits tenants de* Dunham *kil eent le avantdit chemin sanns nul disturbance de moy ou de mes heirs a tuts jours a aleer chaceer & karier sicome est avantdit. En tesmoinance de cest chose io lure ay donne ma lettre patente enselee de mon seele devant* Sire Williaum *de* Lamburne, Nicolas de Barenton, *&c. donne a* Chelmsford *le Meskredy procheint avant le Feste St.* Simon *& St.* Jude, *le an treseime du regne le Roy* Edward. *Penes* Will. Andrew *Baronet. Dom. Manerii de* Dunham, *alias* Downham. This the Civilians, call *Judicium Possessionem recuperandi.*

Assise of Mort d'ancestor, *Assissa mortis antecessoris*, Lieth where my Father, Mother, Brother, Sister, Uncle, Aunt, *&c.* died seised of Lands, Tenements, Rents, *&c.* that he had in Fee-simple, and after his Death a Stranger abateth: And it is good as well against the Abator, as any other in Possession. How this may be extended, see *Bract. lib.* 4. *tract.* 3. *per totum. Brit. cap.* 70. *Fitz. Nat. Brev. fol.* 114. *Reg. Orig. fol.* 223. This the Civilians call *Judicium Possessionem adipiscendi.*

Assise of Darrein Presentment, *Assisa ultimæ præsentationis*, lies where I or my Ancestor have presented a Clerk to a Church, and after the Church being void by his Death, or otherwise, a Stranger presents his Clerk to the same Church in Disturbance of me: And how otherwise this Writ is used, see *Bract. lib.* 4. *tract.* 2. *Reg. Orig. fol.* 30. *F. N. B. fol.* 195.

These *Assizes* of *Novel Disseisin, Mort Dauncestor, Darrein Præsentment*, and *De Communia pasturæ*, were instituted by *Hen.* 2. in the Place of Duels: And therefore *Glanville* tells us, That *Magna* Assisa *est Regale beneficium, clementia Principis de consilio procerum populis indultum, in quo vitæ hominum & status integritati tam salubriter consulitur, ut in jure, quod quis in libero soli tenemento possidet, retinendo, duelli casum homines declinare possint ambiguum, &c. Lib.* 2. *cap.* 7.

Assise de utrum, Lieth for a Parson against a Layman, or a Layman against a Parson, for Land or Tenement, doubtful whether it be Lay-fee, or Free-alms. And of this, see *Bract. lib.* 4. *tract.* 5. *cap.* 1. *Brit. cap.* 95. The Reason why these Writs be called *Assises*, may be divers. First, because they settle the Possession, and so an outward Right in him that obtaineth by them. Secondly, they were originally executed at a certain Time and Place formerly appointed. For by the *Norman* Law, the Time and Place must be known 40 Days before the *Justice* sate upon them: And by our Laws likewise there must be 15 Days of Preparation, except they be tried in the standing

Courts of the King at *Weſtminſter*, as appeareth by *F. N. B. fol.* 177. Laſtly, They may be called *Aſſiſes*, becauſe they are tried moſt commonly by ſpecial Courts, ſet and appointed for that Purpoſe, as may well be proved, not only out of the *Cuſtumary of Normandy*, but our Books alſo; which ſhew, that in ancient Times, Juſtices were appointed by ſpecial Commiſſion to diſpatch Controverſies of Poſſeſſion, one or more, in this or that only County, as Occaſions fell out, or Diſſeiſins were offered, and that as well in Term-time as out of Term: Whereas, of later Days we ſee that all theſe *Commiſſions of* Aſſiſes, *of Eyre, of* Oyer *and* Terminer, *of Gaol-delivery, and of Niſi prius*, are diſpatcht all at one Time, by two ſeveral Circuits in the Year, out of Term, and by ſuch as have the greateſt Sway of Juſtice, being all of them either the King's *Ordinary Juſtices* of his Benches, *Barons* of the Exchequer, *Serjeants* of the Law, and ſuch like; concerning which, hear the Learned Lord *Verulam* in his Uſe of the Law, *fol.* 13. *ad.* 21.

All the Counties of this Realm (ſays he) *are divided into ſix Circuits, and two Men learned in the Law are aſſigned by the King's Commiſſion in every Circuit, who ride twice a Year thro' thoſe Shires allotted to that Circuit; theſe we call Juſtices, or Judges of* Aſſiſe, *who have five ſeveral Commiſſions, by which they ſit.* The firſt is a *Commiſſion of* Oyer *and* Terminer directed to them, and many others of the beſt Account in their Circuits. But in this Commiſſion the Judges of the *Aſſiſe* are of the *Quorum*, ſo as without them; there can be no Proceedings. This Commiſſion gives them Power to deal with Treaſons, Murders, and all Manner of Felonies and Miſdemeanors, and this is their largeſt Commiſſion. The 2d is of *Gaol-delivery*, and that only to the Judges themſelves, and the Judges of the *Aſſiſe* aſſociate; by this Commiſſion they are to deal with every Priſoner in *Gaol*, for what Offence ſoever he be there: The third Commiſſion is directed to themſelves only, and the *Clerk* of the *Aſſiſe* to take *Aſſiſes*, by which they are called *Juſtices of Aſſiſe*; and the Office of theſe Juſtices, is to do Right upon Writs called *Aſſiſe*, brought before them by ſuch as are wrongfully thruſt out of their Lands. The fourth Commiſſion is to take *Niſi prius*, directed to none but the Judges themſelves and their *Clerks of Aſſiſes*, by which they are called Juſtices of *Niſi prius*. The fifth is a Commiſſion of Peace in every County of their Circuit: And all the Juſtices of Peace, having no lawful Impediment, are bound to be preſent as the *Aſſiſes*, to attend the Judges, as Occaſion ſhall fall out; if any make Default, the Judges may ſet a Fine upon him at their Pleaſure and Diſcretions: The Sheriff of every Shire, is alſo to attend in Perſon, or by a ſufficient Deputy, allowed by the Judges, who may fine him, if he fail, &c. See more in Sir *Francis Bacon*'s Uſe of the Law, *fol.* 13 to 21. This excellent Conſtitution of the Judges Circuits and *Aſſiſes* was begun by *Hen.* 2. *anno* 1176, though ſomewhat different from what they now are.

Aſſiſe, in the ſecond Signification, according to *Littleton*, is uſed for a *Jury*; for (to uſe his own Example) it is ſet down in the Beginning of the Record of an *Aſſiſe of Novel Diſſeiſin*; as *Aſſiſa venit recognitura*, which is as much as to ſay, *Juratores veniunt recognituri*: And the Reaſon why the Jury is called an *Aſſiſe*, he giveth to be this, becauſe by a Writ of *Aſſiſe*, the Sheriff is commanded, *Quod faciat duodecim liberos & legales homines de vicineto, &c. videre tenementum illud, & nomina eorum imbreviari, & quod ſummoneat eos per bonas ſammonitiones, quod ſint coram Juſticiariis, &c. parati inde facere recognitionem, &c.* This is (to ſpeak ſhorter) *Metonymia effecti*, for they are called the *Aſſiſes*, becauſe they are ſummoned by Virtue of the Writ ſo called. And yet the Jury ſummoned upon a Writ of Right, is likewiſe called the *Aſſiſe*; though it be not an *Aſſiſe*, but is ſo termed καταχρηστικῶς, or abuſively. *Aſſiſe* in this Signification, is divided into *Magnam, & Parvam, Glanv. lib.* 2. *cap.* 6, 7, *&c. & Brit. cap.* 12. where it appeareth, wherein the *Great Aſſize* differeth from the *Petit Aſſize*. The former four Kinds of *Aſſiſes* uſed in Actions only Poſſeſſory, are called *Petit Aſſiſes*, in reſpect of the *Grand Aſſiſe*: For the Law of Fees is grounded upon two Rights; one of Poſſeſſion, the other of Property. And as the *Grand Aſſiſe* ſerveth for the Right of Property, ſo the *Petit Aſſiſe* ſerveth for the Right of Poſſeſſion. *Horn's Mirror of Juſt. lib.* 2. *cap. de Novel Diſſeiſin.* *Aſſiſe* in the third Signification, according to the ſame *Littleton*, is an Ordinance or Statute, as the Statute of Bread and Ale, made 51 H. 3. is termed The *Aſſiſe* of Bread and Ale, *Aſſiſa Panis & Cerviſiæ.* Reg. Orig. fol. 279. The *Aſſiſe* of *Clarendon*, Aſſiſa *de Clarendon*, whereby thoſe that be accuſed of any heinous Crime, and not able to purge themſelves by Fire and Water (perhaps *Ordeal, Ordalium*) but muſt abjure the Realm, had Liberty of 40 Days to ſtay, and try what Succour they could get of their Friends, towards their Suſtenance in Exile. *Staundf. Pl. Cor. fol.* 118. which he ſeemeth to have taken out of *Bract. lib.* 3. *tract. c. cap.* 16. *num.* 2. See alſo *Roger Hoveden, parte poſter. ſuor. Annal. fol.* 313. *in Hen. Secundo.*

Aſſiſe of the Foreſt, *Aſſiſa de Foreſta*, Is a Statute or Condition, touching Orders to be obſerved in the King's *Foreſt*. *Manwood*'s Foreſt *Laws*, part 1. p. 35. *Cromp.* in the Court of Juſtices of the *Foreſt, per totum, fol.* 146, *&c.* And the Aſſiſe of the King, *Anno* 18 *Ed.* 1. *Stat.* 1. called the *Statute for View of* Frank-pledge. And theſe be called *Aſſiſes*, becauſe they ſet down and appoint certain Meaſure, Rate or Order in the Things they concern. Of *Aſſiſe*, in this Signification, *Glanvile* ſpeaks. *Lib.* 3. *cap.* 10. *in fine. Generaliter verum eſt quod de quolibet placito quod in comitatu deducitur & terminatur, miſericordia quæ inde provenit, vicecomiti debetur: Quæ quanta ſit, per nullam* Aſſiſam *generalem determinandum eſt:* And thus much touching *Littleton*'s Diviſion. But if we mark well the Writers of the Law, we ſhall find this Word *Aſſiſe* more diverſly uſed, than he (*Littleton*) hath noted. For it is ſometimes uſed for the Meaſure or Quantity it ſelf, (and that *per Metonymiam effecti*) becauſe it is the very Scantling deſcribed or commanded by the Ordinance; as we ſay, when Wheat, *&c.* is of ſuch Price, then the Bread, *&c.* ſhall be of ſuch *Aſſiſe*. This word is further taken for the whole Proceſs in Court, upon the Writ of *Aſſiſe*, or for ſome Part thereof, as the Iſſue or Verdict of the Jury: For Example, *Aſſiſes of Novel Diſſeiſin, &c.* ſhall not be taken, but in their Shires, and after this Manner, *&c. Mag. Chart. c.* 12. and ſo it ſeems to ſignify. *Weſt.* 2. *cap.* 25. 13 *Ed.* 1. in theſe Words. *Let the Diſſeiſor alledge no falſe Exceptions, whereby the taking of the* Aſſiſes *may be deferred, &c.* And 34 *E.* 1. *Stat.* 2. if it be found by *Aſſiſe*; the *Aſſiſe is arrained, to aver by the Aſſiſe*, the *Aſſiſe by their Default* ſhall paſs againſt them. And alſo 1 *H.* 6. *c.* 2. *Aſ-*

c. 2. *Assizes* awarded by Default of the Tenants, &c. Lastly, by *Merton*, cap. 4. an. 20. *H.* 3. *Certified by the* Assize, *Quit by the* Assize, &c. And in this Signification *Glanvile* calleth it *Magnam* Assisam *Domini Regis, quæ ex duodecim ad minus legalium hominum Sacramentis consistit*, lib. 2. cap. 7. *Bract.* useth it in like Sort, as Assisa *cadit in transgressionem.* Id. c. 30. & assisa *cadit in perambulationem.* Id. c. 31. num. 2. *Fleta* defineth an *Assise* in this Signification, thus, Assisa *in jure possessorio, est quædam recognitio duodecim hominum juratorum, per quam Justitiarii certiorantur de articulis in brevi contentis.* And *Assize* also thus signifying, is said sometimes to pass, *per modum assisæ*, and sometimes *in modum juratæ:* In manner of an *Assize*, when only the *Disseisin* in Question, is put to the Trial of the Twelve; in manner of a *Jury*, when any Exception is objected, to disable the Interest of the *Disseisee*, and is put to be tried by the Twelve, before the *Assise* can pass: As for Example, *Quæstio status, causa successionis, causa donationis, pactum sive conditio vel conventio, voluntas & dissimulatio, transactio vel quieta clamati, vel remissio, confirmatio sive consensus, propria usurpatio rei propriæ, difficultas judicii, justum Judicium, finis, Chirographum, intrusio in rem alienam vel disseisina, si incontinenter rejiciatur, negligentia quæ per transitum temporis excludit actionem.* Fleta, lib. 10. sect. 1. Whom read also to this Point, *cap.* 11. *sect. Si autem a Domino:* And at large, *cap.* 16. *ejusd. lib. & lib.* 5. *cap.* 6. *sect. Item vertitur assisa.* And note, That *Assise* in this Signification is taken four Ways. *Fitz. Old Nat. Brev. fol.* 105. The first is *Assise at large*, which is taken as well upon other Points, as upon the Disseisin, *v. g.* where an Infant bringeth an *Assise*, and the Deed of his Ancestor is pleaded, whereby he claimeth his Right, or founded his Title, then the *Assise* shall be taken at large; that is, the Jury shall enquire not only whether the Plaintiff were disseised or not by the Tenant, but also of these two Points, *viz.* Whether his Ancestor were of full Age, of good Memory, and out of Prison, when he made the Deed pleaded. Another Example out of *Kitch. fol.* 66. The Tenant pleaded a Foreign Release in Bar to an *Assise*, whereupon the Cause was adjourned: At the Day the Tenant maketh Default, therefore the *Assise* was taken at large, that is, not only whether the Plaintiff was disseised, but also whether there be any Foreign Release. A third Example you may read in *Littleton*, cap. *Estates upon Condition.* The second manner of *Assise* in Point of *Assise*, (Assisa *in modum* Assisæ) which is, when the Tenant, as it were, setting Foot to Foot with the Demandant, without farther Circumstance, pleaded directly to the Writ, *no Wrong, no Disseisin.* The third Manner is, *Assise* out of the Point of *Assise* (Assisa *extra* Assisam, *vel in modum juratæ,*) *viz.* when the Tenant alledgeth some by Exception, that must be tried by a Jury, before the principal Cause can proceed; as if he plead a Foreign Release, or Foreign Matter triable in a Foreign County. For in this Case, the Justices refer the Record to the Court of Common Pleas, for the Trial of the Foreign Plea, before the Disseisin can come to be discussed. Of this Sort, read divers Examples in *Bract. lib.* 4. *part.* 1. *cap.* 34. & *Britt. ca.* 52. The Fourth and last Manner is, *Assise of Right of Damages*; and that is, when the Tenant confesseth an *Ouster*, and referring it to a Demurrer in Law, whether it were rightly done or not, is adjudged to have done wrong; for then shall the Demandant have a Writ to recover Damages, which is called *Assise to recover Damages*, as also the whole Process. *Assise* is further taken for the Court, Place or Time, when and where the Writs and Processes of the *Assise* be handled or taken. And in this Signification *Assise* is general; as when the Justices go their several Circuits, every Couple with their Commission, to take all *Assises* twice in the Year, which is called the *General Assises*, for he that speaketh of any Thing done at that Time, and in that Place, will commonly say, It was done at the *General Assises.* It may likewise be special in this Signification, (as if a Special Commission should be granted to certain Persons as in ancient Times they often were, *Bract. lib.* 3. *cap.* 11. *in fine*) for taking an *Assise* upon one Disseisin or two; any Thing done in the Court before them, a Man will say was done at such *Special Assise.* And in this Signification *Glanvile* useth it, *Lib.* 9. *cap.* 12. in these Words, *Si contra Dominum suum, & non infra* assisam, *tunc distringitur ipse occupator*, &c. And *lib.* 13. *cap.* 32. *M.* Skene, *de verbor. Sig.* Tit. *Assise*, saith, That in *Scotland* this Word hath five Significations; touching the Fifth, he hath these Words, An *Assise* is called a certain Number of Men, lawfully summoned, received, sworn, and admitted, to judge and discern in divers Civil Causes, &c. whereof there be two Kinds; one ordinarily in Use, which may be called a *Little Assise*, of the Number of thirteen or fifteen Persons; the other, a *Great Assise*, consisting of twenty-five Persons, &c.

Assisors, *Assisores, sunt qui* assisas *condunt, aut taxationes imponunt*, saith *Spelman.* In *Scotland*, according to *Skene*, they are the same with our Jurors, and their Oath is this:

We shall leil suith say,
And na suith conceal, far na tking we may,
So far as we are charg'd upon this Assise,
Be God himself, and be our Part in Paradise.
And as we will answer to God, upon
The dreadful Day of Dome.

Assisus, Dismissed or farmed out for such an *Assise*, or certain assessed Rent in Money or Provisions. *Terra Assisa*, was commonly opposed to *Terra Dominica:* This last being held in Demaine, and occupied by the Lord; the other let out to inferiour Tenants. So among the Lands of the Knights Templars, belonging to their Preceptory of *Sandford, Com. Oxon. Apud Covele de, dono Matildis Reginæ habentur quatuor hidæ, quarum duæ sunt in Dominico, & duæ* assisæ *ab Hominibus, apud Meritone duæ in Dominico, & quinque* assisæ *ab Hominibus.* Mr. *Kennet's* Paroch. Antiq. p. 141. Hence *Redditus* assisus, the set or standing Rent. *Sunt ibidem de reddito* assiso *xl s.* Ibid. p. 314. *Summa reddituum* assisorum *de manerio*; p. 355. Hence to *assess* or allot the Proportion and Rates in Taxes and Payments, by *Assessors* in *Assessments.*

Assithment, A Wiregeld or Compensation by a pecuniary Mulct: From the Preposition *Ad*, and the Sax. *Dithe, Vice: Quod vice supplicii ad expiandum delictum solvitur.*

Assnasare, From the Sax. *Asnasan, impingere:* It signifies to carry his Pike so carelesly that a Man is killed with it, *Si quis hastam humero gestarit in quam alius forte fortuna impegerit, æquum esse videtur capitis æstimationem sine omni mulcta ei imperare.* Leges Alfred. cap. 39. *Si autem oculos* assnasset, *reddat Weram ejus*, &c. cap. 38. See *Possibilitas.*

Aſſociation, *Aſſociatio*, Is a Patent ſent by the King, either of his own Motion, or at the Suit of the Plaintiff, to Juſtices appointed to take Aſſiſes of *Novel Diſſeiſin*, or of *Oyer* and *Terminer*, &c. to take others unto them as Fellows and Colleagues in that Buſineſs. As if the King makes three Juſtices of Aſſize, and afterwards one of them dies, there the King may grant a Patent of *Aſſociation* to another, to *aſſociate* him to the two, in Place of him that is dead, and a Writ which ſhall be cloſe, directed to the two Juſtices that are alive to admit him. *F. N. B.* 185. & 111. The Examples, and ſundry Uſes hereof, may be found in ſeveral Places, but particularly in *Regiſt. Orig. fol.* 201, 202, 205, 206, 207, 223, 224.

Aſſoile, (*Abſolvere*) Signifies to deliver, or ſet free from an Excommunication. *Staundf. Pl. Cor. lib.* 2. *cap.* 18. *fol.* 71. *b.* whoſe Words are to this Effect, otherwiſe the Defendant ſhould remain in Priſon, till the Plaintiff were *aſſoyled*, that is, delivered from his Excommunication. So that in 1 *H.* 4. *cap.* 10. Mention being made of King *Edward* III. it is added, *Whom God aſſoyle. Henric Duc de Lancaſtre, Count de Leiceſtre, de Derby & de Nicole, Seneſcal Dengletre, A touts ceux que ceſte endenture verront ou orront ſalut en Dieu, Come noſtre chere & bien ame couſin John de Blount eit en noſtre main renduz ſeiſſaunte acres de terre ov les appurtenances en Salford en noſtre Duchee de Lancaſtre les quels il avoit a luy & a ſes Heirs du don & Feofment noſtre tres honore Seigneur & pere, que Dieu* aſſoile, &c. *Dat.* 30 Edw. 3. penes Wal. Kirkham Blount. Bar.

Aſſotte, To *aſſotte* a Woman, that is, to be mad after a Woman.

Aſſumption, *i. e.* The Day of the Death of a Saint, ſo called, *Quia ejus anima in cœlum* aſſumitur. Du Cange.

Tandem clara dies, Reginæ adſumptio *cœlis,*
Regi parentis adeſt. ——

Aſſumpſit, Is a voluntary Promiſe made by Word, whereby a Man *aſſumeth*, or taketh upon him, to perform or pay any Thing unto another. This word included any verbal Promiſe made upon Conſideration, which the *Civilians* expreſs by divers Words, according to the Nature of the Promiſe; calling it ſometimes *Pactum*, ſometimes *Sponſionem*, ſometimes *Promiſſionem*, *Pollicitationem*, *Conſtitutum*. The Word is derived from the Latin Verb *aſſumpſit*, and bears the Senſe of, He hath *aſſumed* upon, or undertaken.

Aſt Paſſage. See *Trajectum*.

Aſtrarius Hæres. *Dicitur ille cui anteceſſor in vita ſua per cartam hæreditatem reſtituit.* Co. Inſt. p. 1. f. 8. b. —— *De* Aſtro & Aſtrario, *vid.* Selden's *Notes on* Hengham, *p.* 130.

Aſtrihilthe, or **Attrahilthet**, Is a Saxon Word, and denotes, ſay LL. Divi Edwardi, *cap.* 30. *Hi qui pacem Regis habent, vel manu vel brevi, &c. Qui ſi nimis confidens in pace quam habet, per ſuperbiam alicui forisfecerit, damnum reſtauret & iterum tantundem quod Angli vocant* Aſtrihilthet. See *Hoveden. pag.* 606.

Aſtrum, A Houſe or Place of Habitation, from *Aſtre*, which *Spelman* renders the Hearth of a Chimney, *a Sax.* Hearth, *Focus*, *Fornacula.* —— 18 *Ed.* 1. *Præceptum fuit Vicecom. quod replegiet corpus Willielmi Jakes quod Ricardus de Sancto Valentio cepit & captum tenuit. Qui Ricardus venit & advocat captionem ut de Villano ſuo, & quod cepit ipſum in* Aſtro *ſuo in quo natus fuit, eo quod ſeipſum elongavit de* Aſtro *prædicto.* Placit. Hillar. 18 *Ed.* 1. *Villanis autem in veteribus* aſtris *ſuis commorantibus non competit hujuſmodi remedium.* *Fleta lib.* 2. *cap.* 2. *parag.* 8. *de Nativis.*

Ategar, A Sort of Weapon among the Saxons. *Flor. Wigorn. ſub. an.* 1040. and from him, *Hovedon ſub eodem anno*, —— *In manu ſiniſtra clipeum, cujus umbo clavique erant deaurati, in dextra lanceam, quæ lingua Anglorum* Ategar *appellatur.* It ſeems to have been a Hand-dart, from Sax. *Aeton*, to fling or throw, and *gar*, a Weapon. *Spelman.*

Ath, **Atha**, **Athe**, an Oath.

Athes, **Adaa**, A Power or Privilege of exacting and adminiſtring an Oath, in ſome Caſes of Property and Right. From the Saxon *Ath*, *Juramentum*, *Oath.* Among the Privileges granted by *Hen.* 2. to the Monks of *Glaſtenbury*, —— *Habeat quoque eadem Eccleſia Socam & Sacam on Stronde and on Streme, on Wode, and on Feld, on Grithbriche, on burh-briche.* Adaa, *Ortelas*, *Eallebordas*, &c. the ſame Privilege called *Othes* in another Charter to the ſame Abbey, —— *Abbas & Conventus habeant hundred Setne*, Othes *and Ordles*, *Ealle*, *Twidus*, &c. Cartular. Abbat Glaſton. MS. f. 14. & 37.

Athetſwar, an Hoggard, or one who looks after Hogs.

Atia. See *Odio & Atia.*

Atilia, *i. e.* Utenſils or Country-Implements: *Remaneant duo equi carectari cum carecta, & triginta ſex boves cum quatuor carucis &* atiliis.

At large, *Ad largum.* See *Verdict at large.* Lit. fol. 98. To vouch at large. *Old. Nat. Brev. fol.* 108. To make Title at large. *Kitchin, fol.* 68. See *Bar.*

Atrebatii, *Berkſhire.*

Atrium, ſignifies a Court before a Houſe, and ſometimes a Church-yard.

Attache, *Attachiare* Cometh from the French *attacher*; that is, *figere*, *nectere*, *alligare*: In the Common Law, it ſignifies to take or apprehend by Commandment of a Writ or Precept; *Lamb.* in his *Eirenarch. lib.* 1. *c.* 16. makes this Difference between an *Arreſt*, and an *Attachment*, that *Arreſt* proceedeth out of lower Courts, by Precept; and an *Attachment* out of higher Courts, by Precept or Writ; and that a Precept to arreſt hath theſe formal Words, (*Duci facias*,) and a Writ of *Attachment* theſe Words, (*Præcipimus tibi quod* attachies *talem & habeas eum coram nobis*, &c.) Whereby it appears, That he which arreſteth, carrieth (or ought to carry) the Party arreſted to a Perſon of Higher Power to be diſpoſed of forthwith; he that *attacheth*, keepeth the Party *attached*, and preſents him in Court at the Day aſſigned. Yet we may take Notice, That an *Attachment* iſſued out of a Court-Baron, which is an Inferior Court. *Kitchin*, Attachment *in Court-Baron, fol.* 79. Another Difference there is, that an Arreſt only lies upon the Body of a Man, but an *Attachment* chiefly upon his Goods: And this alſo makes it differ from a *Capias*, which lays hold only of a Body, whereas a Man may be *attached* by an hundred Sheep. Other Differences between a *Capias* and *Attachment*, and a *Diſtreſs*, may be theſe. Firſt, an *Attachment* differs from a *Capias*; that in a Court-Baron, a Man may be *attached* by his Goods, but a *Capias* ſhall not go out thence. Secondly, a *Capias* (be it the *Grand Cape*, or the *Petit Cape*) taketh hold of immoveable Things, as Lands or Tenements, and properly belongs to Actions real, as may be gathered from their Forms, *F. N. B.* whereas *Attachment* hath Place

rather in perſonal Actions. *Bract. lib.* 4. *tract.* 4. *cap.* 5. *num.* 5. See *Skene, de verbor. Sign.* Tit. *Attachiamentum.* In the next Place, an *Attachment* differs from a *Diſtreſs*. *Kitch. fol.* 78. holds, That the Proceſs in a Court-Baron, is *Summons*, *Attachment* and *Diſtreſs*. *Old. Nat. Brev. fol.* 27. That the Proceſs in a *Quare Impedit*, is *Summons*, *Attachment*, and one *Diſtreſs*. And *fol.* 28. ſpeaking of the Writ *Ne admittas*, ſaith, The Proceſs is one Prohibition, and upon that *Attachment* and *Diſtreſs*. And *fol.* 32. in a Writ of *Indicavit*, after the *Attachment* returned, the *Diſtreſs* ſhall go out of the Rolls of the Juſtices. *Bracton* on the other Side. *Lib.* 5. *tract.* 3. *cap.* 4. *num.* 2. thinks, that *Attachiamentum & magnum Cape, ſunt Diſtrictiones*; wherewith agrees *Fleta, lib.* 5. *cap.* 24. but with this Diſtinction, that *Attachiamentum eſt diſtrictio perſonalis, & Cape magnum diſtrictio realis.* So that upon the whole Matter, there are but two Differences between an *Attachment* and a *Diſtreſs, viz.* That an *Attachment* reacheth not to Lands, as a *Diſtreſs* doth; and a *Diſtreſs* toucheth not the Body (being properly taken) as an *Attachment* doth. Yet are they divers Times confounded, as appears by the fore-mentioned Places; and *Glanv. lib.* 10. *cap.* 3. and *Fleta, lib.* 2. *cap.* 66. But to conclude; In common Acceptation of Law, an *Attachment* is an Apprehenſion of a Man by his Body, to bring him to anſwer the Action of the Plaintiff. A *Diſtreſs* is the Taking Goods, for ſome real Cauſe, as Rent, &c. whereby to force him to *Replevy*, and ſo become Plaintiff in an Action of Treſpaſs againſt him that diſtrained him. There is alſo an *Attachment* out of *Chancery*, and may be had of Courſe upon *Affidavit* made of the Service of a *Subpœna*, and the Defendant's not appearing, or elſe it iſſues upon not performing ſome Order or Decree: And they are of two Sorts; one Simple, which is before-mentioned, originally ſent out for Apprehenſion of the Party: The other, after Return made by the Sheriff, *Quod Defendens non eſt inventus in Balliva ſua*, with Proclamation made through the whole County, that the Party appear by a Day aſſigned, and that he be attached nevertheleſs, if he may be found. This ſecond Kind hath an Affinity with the *Canoniſts*, (*viis & modis*) at which if the Party appear not, he is excommunicate; and with the *Civilians*, *Viis & modis, una cum intimatione*; for if in the *Chancery* he come not in upon this *Attachment*, with Proclamation, a *Writ of Rebellion* iſſues forthwith. *Weſt.* 2. *Part, Symboleog.* Tit. Proceedings in Chancery.

As to the Word *Attacher*, to *attach* or take into Cuſtody, the Learned *Du Freſne* ſuppoſes it derived from the old Gallic *Taſcu*, *Taſchia*, the Rent of Land or Tenement; from the Britiſh *Taſc*, Tribute; *Taſcyd*, Collector of the Tribute, (whence our *Taſque* or impoſed Duty, a *Taſquer*, or Day-Labourer, a *Taſque-maſter*, &c.) So as *attacher* was no more at firſt than to gather Rent, or collect Tribute, and upon Refuſal, to take it by Force, as a Debt and Forfeiture, &c.

Attachiamenta bonorum, A Diſtreſs taken upon the Goods or Chattels of any, ſued for perſonal Eſtate or Debt, by the legal *Attachiatores* or Bailiffs, as a Security to anſwer the Action. It was a Privilege granted to the Abbat and Convent of *Oſeney*, to have the *Attachments* of the Goods of their Tenants quit-claimed or releaſed, &c. See *Paroch. Antiq. p.* 196.

Attachiamenta de Spinis & Boſco, The Privilege granted to the Officers of a Foreſt to take to their own Uſe Thorns, Bruſh, and Wind-fall, within ſuch Precincts or Liberties committed to their Charge. So *John Fitz Nygel*, Foreſter *of Bernwood*, *A. D.* 1230. ——*Debet habere feodum in* Boſco *Domini Regis*; *videlicet* Attachiamentum *de* Spinis, *de* Boſco *ſuo*, & *de* Boſco *qui vento proſtituitur*. Paroch. Antiq. p. 209.

Attachment of Privilege, Is by Virtue of a Man's Privilege, to call another into that Court whereunto himſelf belongeth, and in reſpect whereof he is *privileged*, to anſwer ſome Action. *New Book of Entries, verb.* Privilege, *fol.* 431.

There is alſo a *Foreign Attachment*, which is of a Foreigner's Goods or Money found in ſome Liberty or City, to ſatisfy ſome Creditor of his within ſuch Liberty or City. And by the Cuſtom of *London*, a Man may *attach* Money or Goods in the Hand of a Stranger, while he is within their Liberty. As if *A.* owes *B.* ten Pounds. *B.* may *attach* this ten Pounds in the Hands of *C.* to ſatisfy himſelf for the Debt due from *A. Calthorp's Rep. p.* 66.

There is alſo an *Attachment of the Foreſt*, which is one of the three Courts there held. *Manwood, p.* 90, & 99. The lower Court is called the *Attachment*; the Middle one, the *Swainmote*; the Higheſt, *the Juſtice in Eyre's Seat.* The *Court of Attachment* ſeemeth to be ſo called, becauſe the *Verderors* of the Foreſt have therein no other Authority, but to receive the *Attachments* of Offenders againſt *Vert* and *Veniſon*, taken by the reſt of the Officers, and to enroll them, that they may be preſented and puniſhed at the next *Juſtice Seat. Manwood, Part* 1. *pag.* 93. And this *Attaching* is by three Means; 1. By Goods and Chattels. 2. By the Body, Pledges and Mainpriſe. 3. By the Body only. This Court is kept every forty Days. See *Crompton* in his *Court of the Foreſt.* For the Diverſity of *Attachments*, ſee *Reg. Orig. verbo* Attachiamentum, *in Indice.*

Attaint, *Attincta*, Is uſed for a Writ that lieth after Judgment, againſt a Jury, that hath given a falſe Verdict in any Court of Record, be the Action real or perſonal, if the Debt or Damages amount to above the Sum of forty Shillings. For the Form and Uſe of it, ſee *F. N. B. fol.* 105. and the *New Book of Entries, fol.* 84. *Col.* 1. The Reaſon why it is ſo called, ſeemeth to be, becauſe the Party that ſueth it out, endeavoureth thereby to ſtain the Jury with Perjury, by whoſe Verdict he is grieved, whoſe Puniſhment by the Common Law conſiſteth in theſe Particulars: 1. *Quod amittat liberam Legem in perpetuum*, He ſhall never be received as Witneſs, or admitted a Juror, &c. 2. *Quod forisfaciat omnia bona ſua & catalla.* 3. *Quod terræ & tenementa in manus Domini Regis capiantur.* 4. *Quod uxores & liberi extra domus ſuas ejicerentur.* 5. *Quod domus ſuæ proſternentur.* 6. *Quod arbores ſuæ proſternentur.* 7. *Quod prata ſua arentur.* 8. *Quod corpora ſua carceri mancipentur*: But if it paſs againſt him who brought the *Attaint*, he ſhall be impriſoned and grievouſly ranſomed at the King's Will. See *Co.* on *Lit. lib.* 3. *cap.* 8. *ſect.* 514. See alſo *Glanvile, lib.* 2. *c.* 19. *Fitz. Nat. Brev. fol.* 109, 110. *Termes de Ley, verb.* Attaint. *Forteſcue, c.* 26. *Smith de Rep. Anglor. lib.* 3. *cap.* 2. And 11 *H.* 7. *cap* 21 & 23 *H.* 8. *cap.* 3. It is a Subſtantive made of the French (*atteindre*) i. e. *aſſequi, vel attingere*, becauſe he is caught and overtaken; or rather of the French (*teindre*) in Latin (*tingere*) to Stain, Die, or Colour, or give a Tincture: *Unde Gallice Teint, Lat. Tinctus*, as, we in Engliſh ſay *attainted*, or *tainted* of Treaſon; that is, ſtained. In what Diverſity of Caſes this

Writ is brought, see *Reg. of Writs, in indice.* It was anciently called *De Brevi Convictione:* See *Co. Lit. f.* 294. *b.*

Attainted, *Attinctus*, Is used in our Common Law, particularly for such as are found Guilty of some Crime or Offence, especially Felony or Treason: Howbeit a Man is said to be *attainted* of Disseisin. *West.* 1. *cap.* 24, & 26. *an.* 3 *Ed.* 1. and so the French use it, as, *Estre* attaint & *vaincu en ascun case*; that is, to be cast in any Cause. A Man is *attainted* by two Means; by Appearance, or by Proceſs. *Staundf. Pl. Cor. fol.* 44. *Attainder* by Appearance, is by Confession, by Battle, or by Verdict. *Id. fol.* 122. *Confession*, whereof *Attaint* groweth, is double: One at the Bar before the Judges, when the Prisoner upon his Indictment read, being asked whether *Guilty* or *Not guilty*, answers, *Guilty*, never putting himself upon his Country; the other is, before the Coroner in Sanctuary, where he was in former Times upon his Confession, constrained to abjure the Realm; and therefore this Kind of *Attaint* was called *Attainder by Abjuration.* Id. fol. 182. *Attainted by Battle*, is, when the Party appealed by another, and chusing to try the Truth by Combat, rather than by Jury, is vanquished. *Id. fol.* 44. *Attainder by Verdict*, is, when the Prisoner at the Bar, answering to the Indictment, *Not guilty*, had an Enquest of Life and Death passing upon him, and is by their Verdict found Guilty. *Id. fol.* 108, & 192. *Attainder by Proceſs*, otherwise called *Attainder by Default*, or *Utlary*, is, where a Party flieth, and is not found, until he have been five Times publickly called in the County, and at last Outlawed upon his Default, pronounced or returned Outlawed. *Id. fol.* 44. The same Author, *fol.* 108. makes a Difference between *Attainder* and *Conviction.* And with this agrees the Stat. 34 & 35 *H.* 6. *cap.* 14. & 1 *E.* 6. *cap.* 12. in these Words; That then every such Offender being thereof duly convicted or *attainted* by the Laws of this Realm, &c. Add hereto 2 & 3 *Ed.* 6. *cap.* 33. And *Staundf. fol.* 66. saith, a Man by our ancient Laws, was said to be convicted presently upon the Verdict (*Guilty*) but not to be *attainted*, till it appeared he was no Clerk; or being a Clerk, and demanded of his Ordinary, could not purge himself; whereby it appeareth, That *Attainder* is larger than *Conviction*, *Conviction* being only by the Jury: And *Attainder* is not before Judgment. *Perkins, Grants, nu.* 27, 29. Yet it appears by *Staundford, fol.* 9. That Conviction is sometimes called *Attainder*; for there he says, The Verdict of the Jury does either acquit or *attaint* a Man: And so it is in *Westm.* 1. *c.* 14. and likewise in many ancient Writers. *Et si quis aliter quam sic fecerit, & de hoc convictus fuerit &* attaintus, *ponatur in carcere.* Du Fresne. *Briton fol.* 75. uses the Participle *attaint* in the Sense we say *attainted* unto. This ancient Law touching the Purgation and Conviction of Clerks, is altered by 23 *Eliz. cap.* 2. as you may read further in *Clergy.*

Attainder, *attincta*, and *attinctura*, Is when a Man hath committed Felony or Treason, and after Conviction Judgment is passed upon him. The Children of a Person *attainted* of Treason, cannot be Heirs to him, or any other Ancestor: And if he were Noble and Gentile before, thereby his Posterity are degraded, and made Base; and this Corruption of Blood cannot be salved, but by an Act of Parliament. See *Attaint, attainted*, and *Felony.*

How far the Tenure of *Gavel-kind* salves in such Case, we will not dispute, only set down what Tenants in that kind have among themselves as a Maxim, *viz.*

The Father to the Bough,
The Son to the Plough.

But many of those Tenures are within the last Century altered by Statute; the Reasons whereof are not to our Purpose here.

Attal-sarefin. The Inhabitants and Miners of *Cornwal*, call an old deserted Mine that is given over by this Name of *Attal sarifin, i. e.* the Leavings of the *Sarasins*, or *Sassins*, or *Saxons.*

Attamatus. See *Pelf.*

Atteqia, a little House, from the Lat. *Adtegendo.* 'Tis mentioned in *Ethelwerd lib.* 4. *Hist. Anglia*, viz. *Pellunt ingenuos passim*, Attegias *figunt in Oppido.*

Attendant, *Attendens*, Signifies one that oweth a Duty or Service to another, or after a Sort dependeth on another. For Example; There is a *Lord*, *Mesne*, and *Tenant*; the *Tenant* holdeth of the *Mesne* by a Penny, the *Mesne* holdeth over by two Pence: The *Mesne* releaseth to the *Tenant* all the Right he hath in the Land, and the *Tenant* dieth; his Wife shall be endowed of the Land, and she shall be *Attendant* to the Heir of the third Part of the Penny, not of the third Part of the two Pence; for she shall be endowed of the best Possession of her Husband. And *Kitchin, fol.* 109. saith, That where the Wife is endowed by the Guardian, she shall be *Attendant* to the Guardian, and to the Heir at his full Age; with whom agrees *Perkins* in *Dower*, 424.

Attermining, — *Also such as will purchase* Attermining *of their Debts, shall be sent into the Exchequer. Ordinatio de libertatibus perquirendis. Anno* 27 *Ed.* 1. It comes from the French *attermine, i. e.* that hath a Time or Term granted for the Payment of a Debt. So in this Statute, it seems to signify the Purchasing or Gaining a longer Time for Payment of a Debt. *Atterminent querentes usq; in proximum Parliamentum.* Westm. 2. cap 24.

Attilatus Equus, A Horse with his Geers, or Harness on, for the Work of the Cart or Plough.

Attile, *Attilium*, *Attilamentum*, The Rigging of a Ship. —— *Præcipimus Henrico de Fowick & Lucæ de Batentort, quod quædam bona & mercimonia quorundam Mercatorum de* Zealand, *Naves &* Attilia, *occasione quarundam transgressionum —— Memorand. in Scac. Mich.* 4 *Ed.* 1. Mynard's *Year Book.* —— *Præceptum fuit Baronibus —— quod sine dilatione reparari faciant unam Navem cum* Attilio *decenti in London.* Ibid. Trin. 24 Ed. 1. —— Hence *Atilia* was used likewise for the Tools and Implements of Husbandry —— *Willielmus Primas Eboracensis vult, ut remaneant in Balliva* Chirchedon 2 *equi carectarii, cum carecta & 36 boves cum* 4 *carucis &* Atiliis, An. D. 1283. Ex Registr. Will. Wickwane Archiep. Ebor. MS. f. 46. The Word *Attile*, for Military Harness or Accoutrements, occurs in the Stat. of *Rob.* 1. King of *Scots, cap.* 27. The French now use the Word *Outils*, for any Sort of Instruments.

Attillamentum, Furniture or Tackle. 'Tis mentioned in *Fleta, lib.* 1. *cap.* 25. *par.* 9. *Batellus, i. e.* (the Boat,) *cum omni onere &* Attillamento. So in *Lib.* 2. *cap.* 85. Writing of a Carter, *viz. Ejus est scire phaleras*, Attillamenta, &c. *Carectis appenditia.*

Attornato faciendo vel recipiendo, Is a Writ, which a Man owing Suit to a County, Hundred, Wapentake, or other Court, and desiring to make an *Attorney* to appear for him, whom he doubteth, whether the Sheriff or Bailiff will admit, or not, purchaseth to command him to receive such a Man for his *Attorney*, and admit his Appearance by him. The Form thereof, see *F. N. B. fol.* 156.

Attornare rem, To *Attorn* or Turn over Money and Goods; *i. e.* to assign or appropriate them to some particular Use and Service. —— *quos quidem quatuor solidos* —— attornavi *ad unam pietantiam faciendam in conventu Oseneinsi.* Paroch. Antiq. p. 213. *Vide* Turn.

Attorney, *Atturnatus*, Cometh of the French Word *Tourner*, *vertere*. Thence cometh the Participle (*tourne*) *versus*, *conversus*, and the Substantive (*tour*) *vice*; as *Chascun a son tour*, *Quilibet sua vice*. It signifies in a legal Acceptation, one appointed by another Man to do any Thing in his stead, and is as much as *Procurator* or *Syndicus* in the Civil Law: *West. Symb. Part.* 1. *lib.* 2. *sect.* 559. defines them thus, *Attornies* be such Persons, as by the Consent, Commandment or Request of another, do take heed, see to and take upon them the Charge of other Men's Business in their Absence. And it seemeth that in ancient Time, those of Authority in Courts, had it in their Power, whether they would suffer Men to appear, or sue by any other than themselves; as it is evident by *F. N. B. fol.* 25. in the Writ *Dedimus Potestatem de* Atturnato *faciendo*, where it appears, that Men were forced to procure the King's Writs, or Letters Patent, to appoint *Attornies* for them; but since that, it is provided by several Statutes, that it should be lawful so to do without any such Matter, as 20 *H.* 3. *cap.* 10. 6 *E.* 1. *cap.* 8. 27 *E.* 1. *Stat.* 2. 12 *E.* 2. 1. 15 *E.* 2. *cap. Unico*, 7 *R.* 2. *cap.* 14. 7 *H.* 4. 13. 3 *H.* 5. 2. 15 *H.* 6. 7. & 17 *H.* 7. 2. And you may see great Diversity of Writs in the Table of the *Register Orig.* wherein the King, by his Writ, Commanded the Judges to admit of *Attornies*; whereby there grew at the last so many unskilful *Attornies*, and so many Mischiefs by them, that Provision for restraining them was requisite. Wherefore *anno* 4 *H.* 4. *ca.* 18. it was ordained, That the Justices should examine them, and displace the unskilful. And again, 33 *H.* 6. *cap.* 7. that there should be but a certain Number of them in *Norfolk* and *Suffolk*. In what Cases at this Day a Man may have an *Attorney*, and in what not, see *Fitzh. ubi supra.*

Attorney, is either General or Special. *Attorney General* is he, that by general Authority is appointed to manage all our Affairs or Suits: As the *Attorney* General of the King, which is much as *Procurator Cæsaris* was in the *Roman* Empire. *Attorney General* of the Duke. *Cromp. Jurisd.* 105. *Attorney Special* or *Particular*, is he that is imployed in one or more Causes particularly specified. *Attornies* General be made after two Sorts, either by the King's Letters Patent, or by Appointment before Justices in *Eyre* in open Court. *Glanville, lib.* 11. *cap.* 1. *Britton, cap.* 126. There be also in respect of the divers Courts, *Attornies at large*, or *Attornies Special*, belonging to this or that Court only. The Name is borrowed of the *Normans*, as appears by the *Customary, cap.* 65. And the Word *Attornati*, or as some read it *Turnati*, is found in the same Signification, in the Title *De statu regularium, cap. unico, sect. porro in fexto*, where the Glos saith, That *Atturnati dicuntur Procuratores, apud acta constituti*: Our old Latin Word for it, seems to be *Responsalis Bract. lib.* 4. 31. & *lib.* 5. *part.* 2. *cap.* 8. And so it is in *Scotland* at this Day, but especially for the Defendant's *Attorney*. *Skene de verb. signif. Responsalis*, as *Sigonius* witnesseth in his first Book, *pag.* 11. *De Regno Italiæ*, was in ancient Time the Title of the Pope's Ambassador.

Attorney *of the Court of Wards and Liveries*, Atturnatus *Regis in Curia Wardorum & Liberaturarum*, was the third Officer in that Court; at his Admission into the Office, he took an Oath before the Master of the said Court, well and truly to serve the King, &c. But the Court of *Wards and Liveries*, being it self taken away by the Stat. 12 *Car.* 2. *cap.* 24. this Office is gone, and therefore we will say no more of it.

Attorney *of the Court of the Dutchy of* Lancaster, Atturnatus *Curiæ Ducatus* Lancastriæ, Is the second Officer in that Court, and seemeth for his Skill in Law, to be there placed as Assessor for his Chancellor of that Court, being for the most Part some Honourable Person, and chosen rather for some special Trust reposed in him, to deal between the King and his Tenants, than for any great Learning; as was usual with Emperors of *Rome*, in the Choice of their Magistrates.

Attornment, *Attornamentum*, Signifies the Tenants Acknowledgment of a new Lord; as when one is Tenant for Life, and he in Reversion grants his Right to another, it is necessary that the Tenant for Life agree thereto, which is called *Attornment*; without which nothing passes by the Grants; for otherwise, he that buyeth any Lands or Tenements which are in the Occupation of a Third, cannot get the Possession. Yet see 27 *H.* 8. *cap.* 16. The Words used in *Attornment*, are set down by *Littleton*, lib. 3. cap. *Attornment*, 10, viz. *I agree to the Grant made to you*, &c. or, more usually, *Sir, I* attorn *to you by Force of the same Grant*, or, *I become your Tenant*, or else deliver unto the Grantee a Penny by way of *Attornment*: You may in the same Place see divers other Cases, whereunto *Attornment* appertaineth, and that it is the Transposing those Duties the Tenant owed to his former Lord unto another, and is either by Word, or by Act, &c. *Attornment* also is Voluntary or Compulsory, by the Writ termed, *Per quæ servitia, Old. Nat. Brev. fol.* 155. Or sometimes by Distress. *F. N. B. fol.* 147. Lastly, *Attornment* may be made to the Lord himself, or to his Steward in Court. *Kitchin, fol.* 70. There is also *Attornment in Deed*, and *Attornment in Law*. Co. vol. 6. fo. 113. a *Attornment in Law* is an Act, which tho' it be no express *Attornment*, yet in Intendment of Law is all alone.

Attrap, from the Fr. *Attrapper, comprendere. Unde Angl.* A Trap.

Avage, or **Aviage**, Is a Rent or Payment which every Tenant of the Manor of *Writtel* in *Essex*, upon St. *Leonard's* Day, the 6th of *Novemb.* pays to the Lord, *viz.* for every Pig not a Year old, a Half-penny; for every Yearling Pig, one Penny; for every Hog above a Year old, Twopence, for the Privilege of Pawnage in the Lord's Woods.

Avant-ward, The Van-guard or Front in an Army. —— *Cum exercitus in hostem pergit, ipsi per consuetudinem faciunt* Avant-warde, & *in reversione* Redre-warde. *Hæ consuetudines erant Walensium.* T. R. E. in Arcenefeld. lib. *Doomsday.*

Avantagium, Profit or Advantage.—*Walterus Cantuar. Archiepiſc. ad feodi-firmam tradidit Johanni de Boſeham, terras vocatas le Wardland, in Villa de Wymbledone, — cum omnibus ſuis utilitatibus ac* avantagiis *inde provenientibus. Dat.* 24. *Feb.* 11 *Ed.* 2. Regiſt. Eccl. Chriſti Cantuar. MS.

Auca, a Gooſe. *Similes pennis* Aucarum. *Malmſ. pag.* 159.

Auctionarii, Aurionarii, Sellers, Regraters, Retailers. —*Dicunt etiam quod in domibus illis apud Sheles, ſunt manentes Piſtores & Braciatores* Auxionarii & Auxionatrices *panis, cerviſiæ, & aliarum rerum. Placit.* Parl. 18 Ed. 1.

Audience Court, *Curia Audientiæ Cantuarienſis*, Is a Court belonging to the Archbiſhop of *Canterbury*, of equal Authority with the *Arches Court*, though inferior both in Dignity and Antiquity: The Original of this *Court* was, becauſe the Archbiſhop of *Canterbury* heard many Cauſes extrajudicially at Home in his own Palace, in which, before he would finally determine any Thing, he did uſually commit them to be diſcuſt by certain Men learned in the Civil and Canon Laws, whom thereupon he termed his Auditors; and ſo in Time it grew to one ſpecial Man, who at this Day is called (*Cauſarum negotiorumque audientiæ Cantuarienſis auditor officialis.*) And with this Office was joined heretofore the Chancery of the Archbiſhop, which medleth not with any Point of contentious Juriſdiction; that is, deciding of Cauſes between Party and Party, (except ſuch as are ventilated *pro forma* only, as the Confirmation of Biſhops Elections, or ſuch like) but only of Office, and eſpecially ſuch as are *Voluntariæ Juriſdictionis*, as the Granting the Cuſtody of Spiritualties, during the Vacation of Biſhopricks, Inſtitutions to Benefices, Diſpenſing with Banes of Matrimony, &c. But this is now diſtinguiſhed from the Audience. Of this *Audience Court*, you may read more in the Book *De Antiquit. Eccleſ. Brit. Hiſt.* & 4 *Inſt. fol.* 337.

Audiendo & terminando, Is a Writ, but more properly a Commiſſion, directed to certain Perſons, when any riotous Aſſembly, Inſurrection, or heinous Miſdemeanor or Treſpaſs is committed againſt any Place, for the Appeaſing and Puniſhment thereof; which you may read at large in *F. N. B. f.* 110. See *Oyer* and *Terminer*.

Audita querela, Is a Writ that lieth againſt him, who having taken a Statute-Merchant, or a Recogniſance, in the Nature of Statute-Staple, or a Judgment or Recogniſance of another, and craving, or having obtained Execution of the ſame from the Mayor and Bailiffs, before whom it was entred, at the Complaint of the Party, who entred the ſame, upon Suggeſtion of ſome juſt Cauſe, why Execution ſhould not be granted; as a Releaſe, or other Exception. This Writ is granted by the Lord Chancellor of *England*, upon View of the Exception ſuggeſted, to the Juſtices of either Bench, willing them to grant Summons to the Sheriff of the County where the Creditor is, for his Appearance at a certain Day before them. *Old. Nat. Brev. fol.* 66. & *Fitz. Nat. Brev. fol.* 102.

Auditor, (*Auditor*) According to our Law, is an Officer of the King, or ſome other great Perſon, which yearly, by examining the Accounts of all Under-Officers accountable, makes up a General Book; which ſhews the Difference between their Receipts and Charge, and their Allowances, commonly termed *Allocationes*: As namely, the *Auditors* of the Exchequer take the Accounts of thoſe Receivers, who collect the Revenues of the Augmentation, as alſo of the Sheriffs, Eſcheators, Collectors and Cuſtomers, and ſet them down, and perfect them; concerning which, ſee the Stat. 33 *H.* 8. *cap.* 33. & 4 *Inſt. fol.* 106.

Auditors, *Conventual, Collegiate, &c.* The Religious had their *Auditors*, or ſtated Officers appointed to examine and paſs the Houſe-Accounts. Hence the *Auditory*, *Audit-houſe*, *Audit-time*, in Cathedral and Collegiate Bodies.

Auditors of the Pipe or Impreſts, Are alſo Officers of the Exchequer, who take and make up the great Accounts of *Ireland*, *Berwick*, the *Mint*, and of any Money impreſted to any Man for the King's Service. See *Practice of the Exchequer, pag.* 83.

Auditor of the Receits, Is alſo an Officer of the Exchequer, that files the Tellers Bills, and makes an Entry of them, and gives the Lord Treaſurer a Certificate of the Money received the Week before. He makes *Debentures* to every Teller, before they pay any Money, and taketh their Accounts: He keeps the *Black Book of Receits*, and the *Treaſurer's Key* of the *Treaſury*, and ſeeth every Teller's Money lock'd up in the New Treaſury.

Auditores Is the ſame with *Audientes*, *i. e.* the Catachumens, or thoſe who were newly inſtructed in the Myſtery of the Chriſtian Religion before they were admitted to Baptiſm; and *Auditorium* is the Place in the Church were they ſtood to learn and be inſtructed; and this it is which we now call *Navis Eccleſiæ*: And in the Primitive Times the Church was ſo ſtrict in keeping the People together in that Place, that the Perſon who went from thence in the Time of Divine Service was excommunicated: It was ſo declared by the fourth Council of *Carthage*, *cap.* 24. in theſe Words; *Sacerdote verbum faciente in Eccleſia, qui egreſſus de* auditorio *fuerit, excommunicetur, &c.*

Ave Is the Name of a Writ, for which ſee *Aiel*.

Avel-terra. 'Tis mentioned in *Matt. Pariſ. p.* 5. and ſignifies *Lower Germany*. *Orta eſt contentio inter Flandrenſes qui dicuntur de* Avel-terre, & *Francos in illis partibus, &c.*

Avenage, (From the Latin *Avena*, Oats) Signifies a certain Quantity of Oats paid to a Landlord in lieu of ſome other Duties, or, as a Rent from the Tenant.

Avenor, *Avenarius*, Is an Officer belonging to the King's Stables, and provides Oats for his Horſes: He is mentioned 13 *Car.* 2. *cap.* 8. *Omnibus enim liberatio quorumcunq; ſive Accipitrariorum, ſive falconiorum, ſive* Avenariorum, *ad ejus (ſc. Conſtabularii Angliæ) officium ſpectat, ſi præſens fuerit; niſi forte Dominus Rex ad idem aliquem prius aſſignaverit. Bundel. Petitionum in Turri London anno* 10 *Ed.* 1. And in *Rot. Parl.* 21 *Ed.* 3. there is alſo Mention of the *Avenors* of the King, Queen and Prince.

Aventure, (but more properly *Adventure*) Is a Miſchance, cauſing the Death of a Man, without Felony: As when he is ſuddenly drowned or burnt, falling into the Water or Fire, or killed by any Miſeaſe or Miſchance, *Briton, cap.* 7. where you may ſee how it differs from *Miſadventure*. See *Miſadventure*.

Aventuræ, *i. e.* Tournaments or Military Exercciſes on Horſeback. 'Tis mentioned in *Addit. Matt. Pariſ. p.* 149. *Quod nulli veniant ad tournandum vel burdandum, nec ad alias quaſcunq;* Aventuras. 'Tis derived from the *Lat. Eventa*.

Avera (*quaſi Overa* from the Fr. *Oeuvre* and *Ouvrage*, *velut Operagium*) In *Domeſday*, *Grentbrigſhe*. *Rex Fordham, ſed tamen ſemper inveniat* Averam, *vel* 8 d. *in Servitio Regis*. That is a Day's Work of the Plough, or 8 *d.* 4 *Inſt. fol.* 269.

Average, (*Averagium*) By Mr. *Skene*'s Opinion, is derived from the Word *Averia*, Cattle, and conſequently ſignifies Service, which the Tenant owes to the King or other Lord, by Horſe or Ox, or by Carriage with either: For in ancient Charters of Privilege we find, *Quietum eſſe de* Averagiis. Others probably derive it from the Fr. *Ouvrage*, *i. e. opus*. In the Regiſter of the Abbey of *Peterborough* (*in Bibl. Cotton*) it is thus explained: *Averagium, hoc eſt, quod Nativi deberent ex antiqua ſervitute ducere bladum annuatim per unum diem de Pilleſgate apud Burgum, vel carriare turbas in Mariſcos ad Maner. de Pilleſgate, cum carrettis & equis ſuis. Anno* 32 *Hen.* 8. *cap.* 4. and 1 *Jac. cap.* 32. It ſeemeth with us to have two Significations: Firſt, *Raſtal.* Tit. *Expoſition of Words*, maketh Mention of the King's *Averages*, which I take to be the King's Carriages by Horſe or Cart. Then, *anno* 32 *H.* 8. *c.* 14. and 1 *Jac. c.* 32. it is uſed for a certain Contribution that Merchants and others, do make proportionably towards their Loſſes, who have their Goods caſt into the Sea, for the Safeguard of the Ship, or of the other Goods, and Lives of them in the Ship, in the Time of a Tempeſt. And this Contribution ſeemeth to be ſo called, becauſe it is proportioned after the Rate of every Man's *Average*, or Goods carried. In this laſt Senſe it is alſo uſed in the Statute 14 *Car.* 2. *c.* 27. *Average*, is alſo a little Duty, which thoſe Merchants, who ſend Goods in another Man's Ship, do pay the Maſter of it for his Care, over and beſides the Freight: For in the Bills of Lading, they uſually ſay, —— *Paying ſo much Freight for the ſaid Goods, with Primage and* Average *accuſtomed.*

Average of Corn-Fields. In the North they uſe this Word *Average*, for what in *Kent* they call the *Gratten*, in other Parts the *Eddiſh*, in *Wales* the *Adlugh*, in ſome Counties the *Roughings*; *i. e.* the Stubble or Remainder of Straw and Graſs left in the Corn-Fields, after the Harveſt is carried in.

Averare. This *Spelman* interprets to carry Goods in a Waggon, or upon loaded Horſes; a Duty required of ſome cuſtomary Tenants. But I queſtion whether it did not ſometime ſignify to drive *Averia*, Cattle, to ſome Fair or Market.—— *Omnes homines*, (*i. e. de Kyngſton*) *debent ter* averare *ad Briſtolium.* Cartular. Glaſton. MS. f. 4.

Averrare, To the like Purpoſe——*debent fruges Domini metere, prata falcare, & carriare &* averrare;——Cartular. ib. p. 39.

Aver-Corn, A reſerved Rent in Corn, paid to Religious Houſes, by their Farmers or Tenants; which Mr. *Somner* deduces from the Fr. *Ouvre*, or *Ouvrage*, as if Corn drawn to the Lord's Granary by the working Cattle of the Tenant. But it ſeems more natural (like *Averia* from *Avoir*,) to have or receive ſuch a Quantity of Corn. I ſuppoſe the Cuſtom owing to the Saxon *Cyriac-Sceat*, *Church-Seed*, a Meaſure of Corn brought to the Prieſt on St. *Martin*'s Day, as an Oblation for the Firſt-Fruits of the Earth. Under which Title the Religious had *Corn*-Rent paid yearly, as in an Inquiſition of the Eſtate of the Abbey of *Glaſtenbury*, *A. D.* 1201. —— *Waltone reddit in gubulo aſſiſo iv lib. xvi ſol.* ——*de Church-Seed, vel duæ ſummæ & dimid. frumenti.* Cartular. Glaſton. MS. f. 38. which *Church-Seed*, by a *Norman* Epithet, might eaſily in ſome Parts be called *Aver-Corn*, eſpecially in *Kent*, where by Compoſition the Tenants of *Menſtre*, were to pay to the Abbot and Convent of St. *Auſtins*, their *Aver-Corn* in a certain and determined Meaſure, *A. D.* 1263.——*Noverint univerſi, quod cum temporibus renovatis quidam Tenentes Abbatis Sancti Auguſtini, in manerio de* Menſtre, *quoddam ſervitium annuum quod* Aver-Corn *vocatur, ſub menſura minus certa, &c.* Vid. Chron. W. Thorn. inter X Scriptores, col. 1912. *Aver-Corn* is alſo ſuch *Corn* as by Cuſtom is brought by the Tenants Carts or Carriages to the Lord's Granary or Barn.

Averdupois. See *Avoirdupoiers.*

Averia properly ſignifies Oxen or Horſes uſed for the Plough, but in a general Senſe any Cattle. *Homines per* averia *ſua*, viz. *equos & boves, & Aſros graviter diſtrinxit. W. Thorn* in *Ed.* 2. 'Tis uſed in the ſame Senſe in *W.* 2. *cap.* 88. Let the Sheriff deliver all the Cattle of the Debtor *exceptis bobus & affris carucæ.* Sir *Henry Spelman* deduces the Word from the Freneh *Ouvre*, Work, as if chiefly working Cattle. But more probably from *Avoir*, to have or poſſeſs; the Word ſometimes including all Perſonal Eſtate, as *Catalla* did all Goods and Chattels. In *Northumberland* they now ſay, a *Falſe-aver*, for a ſluggiſh Horſe, or lazy Beaſt. Yet *Spelman* rather derives it from the Lat. *Affri* or *Affra*, Country-Horſes, and cites the ſaid Northern Proverb, *A Falſe Aver* or *Afer*. I think the Word *Heifer*, to have been only a Corruption of *Aver*, and to have ſignified at firſt any Beaſt, though now reſtrained to the younger Kind.

Averiis captis in Withernam, Is a Writ, for the taking of Cattle to his Uſe, that hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, that they cannot be *replevyed. Reg. Orig. fol.* 82. When one Beaſt is ſpoken of, we ſay, *Quidam equus vel bos*; but when more, it is not ſaid in the plural Number, *Equi* or *Boves*, but *Tot Averia.*

Averland. *Item Cellarius libere ſolebat capere omnia ſterquilinia ad ſuum opus in omni vico, niſi ante eſtia eorum qui habebant* Averland. Mon. Angl. 1. par. fol. 302. a. It ſeems to have been ſuch Land as the Tenants did plough and manure, *cum averiis ſuis*, for the proper Uſe of a Monaſtery or Lord of the Soil. *Quod autem nunc vocatur* Averland, *fuit terra ruſticorum, ibid.* which was ſubject to *Averages*, or the Lord's Carriages.

Averium ponderis, Full Weight, or *Aver de Pois*, —— *de quolibet panno ſine grano, & de qualibet libra de* averio ponderis, *tres denarios.* Cart. 3 *Ed.* 2.

Averment, *Verificatio*, Cometh from the French *Averrer*, i. e. *Teſtari*, ſignifies commonly an Offer of the Defendant, to make good or juſtify an Exception pleaded in Abatement, or Bar of the Plaintiff's Action; and there is Reaſon, why it would rather ſignify the Act, than the Offer of juſtifying the Exception. For, *anno* 34 *Ed.* 1. *Stat.* 2. *And the Demandant will offer to* aver *by the Aſſize or Jury*, *&c.* where to offer to *avere*, and to *aver* muſt needs differ: And again in the ſame Statute, *and the Demandant will offer to* aver *by the County*, *&c.* And in 15 *H.* 6. *cap.* 1. The Defendants ſhall have their *Averment*, to ſay, that, *&c.*

Thirdly,

Thirdly, in the Engliſh *Nat. Brev. fol.* 57. *Theſe Errors ſhall be tried by* Averment, &c. This *Averment* is Twofold, *General* and *Particular*; a General *Averment*, which concludes every Plea, &c. or in Bar of the Replication and other Pleadings, containing Matters affirmative, ought to be *Averred*, with theſe Words, *Et hoc paratus eſt verificare*, &c. Particular *Averment*, is when the Life of Tenant for Life, or Tenant in Tail is *averred*, &c. And an *Averment* contains as well the Matter as the Form thereof. *Co. on Lit. fol.* 362. *b.*

Averpeny (*quaſi Average-peny*) Is Money contributed towards the King's *Averages*, or to be freed thereof. *Raſtal. Expoſ. verb.* Aver-peny, *eſt quietum eſſe de diverſis denariis pro* Averagiis *Dom. Reg.* From the King's Carriages *cum averiis*, 1 *Inſt. fol.* 35. *Haberet &* Averpeni, *ſc. pro ſingulis triginta acris duos denarios.* Mon. Angl. 302. a.

Aver-ſilver —— *Rogerus Prior, & Capitulum Eccleſiæ Chriſti Cantuar. quieto clamant Magiſtrum, & Fratres Hoſpitalis St. Mariæ de Oſprens, de conſuetudinibus ſubſcriptis videl't de Arura* Hate-wite, Ripe-ſelver, Wood-lade, Heylode, Aver-ſelver, Lamb-ſelver, —— *quæ conſuetudines fieri ſolent in curia de* Adeſham. *Dat. Menſe Feb.* 1242. *Reg. Eccl. Chr. Cant. MS.*

Augea, A Ciſtern for Water. — *A. D.* 1451. 20 *Sep. Epiſcopus Batho Well. concedit Civibus Wellenſibus unum caput pro conductu aquatico cum* augeis *ſuſpiralibus, & cæteris machinis, ſub & ſupra terraneis* —— *primum caput eſt* Augea, *in quo tota aqua noſtra recipitur, fiet rotunda in latitudine infra muros decem pedum de petra calce, vel alia materia cum pipis ex utraque parte dictæ* Augeæ *ſive Ciſternæ annexis.* Reg. Eccl. Well. M. S.

Augmentation, *Augmentatio*, Was the Name of a Court, erected 27 H. 8. as appeareth by the 27th Chap. of that Year's Parliament: And the End thereof was, That the King might be juſtly dealt with, touching the Profit of ſuch Religious Houſes, and their Lands, as were given to him by Act of Parliament the ſame Year, not Printed: For the diſſolving of which Court, Authority was given to Queen *Mary*, by the Parliament held the firſt Year of her Reign, *Seſſ.* 2. *cap.* 10. which ſhe afterward put in Execution by her Letters Patent. The Name of the Court ſprung from hence, That the Revenues of the Crown were *augmented* ſo much by the Suppreſſion of the ſaid Houſes, as the King reſerved unto the Crown, and neither gave nor ſold away to others. But the Office of *Augmentation* remains to this Day, wherein there are many Records of great Uſe and Importance.

Auguſta, *London.*

Aviſage. See *Avage.*

Avirunatus is mentioned in the *Monaſticon*, 1 *Tom. pag.* 850. and it ſignifies an Oar, *viz. Debet homo ſuper pedes ſuos quo profundius poterit intrare, & dum ultra ire nequiverit*, avirunatum *unum octo pedibus longum, introrſus de diverſo lanceando propellere, & a loco quo* Avirunatus *ille tranſnatare deſierit ſpatio* 40 *pedum per chordam debet menſurari, ibique ſignum in aquam infigi.*

Aviſamentum, Advice, Counſel. —— *de* aviſamento & *conſenſu conſilii noſtri conceſſimus*, was the common Form of our King's Grants.

Avis Sancti Martini, *i. e. Cornix*, ſo called, becauſe this Bird appears about the Feaſt of St. *Martin: Si a ſiniſtra in dextram* Avis Sancti Martini *volaverit*, &c. Pet. Bleſenſis Epiſt. 65.

Aula, *i. e.* a Court-Baron. Aula *ibidem tenta* 4 *die Auguſt.* &c. Aula *Eccleſiæ* is that which we now call *Navis Eccleſiæ: In medio* Aulæ *majoris Eccleſiæ decenter ſepultus eſt.* Eadm. lib. 6 pag. 141.

Aulneger. See *Alneger.*

Aumone, (French *Aumoſne*, that is, Alms) Tenure in *Aumone*, is a Tenure *per liberam Eleemoſynam. Briton, fol.* 164. As where Lands are given to ſome Church, or Religious Houſe, upon Condition, That ſome Service or Prayers ſhall be offered at certain Times, for the good of the Donor's Soul. See *Frank-almoine.*

Aumonier; French, *Aumoſnier. Vid.* Almoner.

Auncel-weight, *Quaſi*, *Handſale-weight*; or from *Anſa, i. e.* the Handle of a *Balance*; being a kind of *Weight* with Scales hanging, or Hooks faſtened to each End of a Beam or Staff, which a Man lifting up upon his Fore-Finger, or Hand, diſcerneth the Quality or Difference between the *Weight* and the Thing weigh'd. In which, becauſe there was wont to be great Deceit, it was forbidden by ſeveral Statutes, as 25 *E.* 3. *Stat.* 5. *c.* 9. 34 *E.* 3. *cap.* 5. & 8 *H.* 6. *cap.* 4. and the even Balance only commanded; yet nevertheleſs this *Weight* continued in Uſe in divers Parts of *England*, notwithſtanding the Conſtitution of *Henry Chicheley*, Archbiſhop of *Canterbury*, 1431. *Pro abolitione ponderis vocati*, Le Aunéel-weight, *&c. qui utitur Excommunicandus*; but now it is utterly aboliſhed by a late Statute made 22 *Car.* 2. *cap. ult. A. D.* 1434, among the Anathema's publickly denounced againſt all falſe Dealers and Deceivers, —— 'Alle thei 'that uſe falſe *Weyghts* or falſe Meaſures, and in 'eſpecial alle they that uſe a *Weyght* that is 'caulled *Auncel*, ſhaft or poundre, or hoolde or 'keepe that *Weyght* prively or openly. *Reg.* 'Eccl. Batho. Well. MS.

Auncient Demeaſne. See *Ancient Demeſne.*

Auntiatus, *i. e.* Antiquated. *Sicut charta eorum* Auntiata *eſt, & libertas anterior.* Brompton, lib. 2. cap. 24. par. 6.

Avoidance, Hath a double Signification, the one, when a Benefice becomes void of an Incumbent; the other when we ſay in Pleadings in *Chancery, confeſſed*, or *avoided, traverſed*, or *denied, is true*, &c. See *Voidance.*

Avoir du poins, It is true French, *Avoir due poids*, that is, *Habere pondus*, or *juſti eſſe ponderis.* In Law it ſignifies two Things: Firſt, a Kind of Weight diverſe from that which is called *Troy-weight*, containing twelve Ounces to the Pound, whereas this containeth ſixteen. And in this reſpect it may probably be conjectured, That it is ſo called, becauſe it contains a greater Weight than the other. Secondly, it ſignifieth ſuch Merchandiſe as are weighed by this Weight, and not by *Troy-weight*, as in the Statute of *York*, 9 *E.* 3. *in Proœmio.* 27 *E.* 3. *Stat.* 2. *c.* 10. 2 *R.* 2. *cap.* 1. See *Weights.*

Avolta, *i. e. Concameratio, Tholus.* 'Tis mentioned in *Mat. Pariſ. in vitis Abbatum St. Albani*, viz. *Eadem quoque Capella in arduum ſurgens ſuper eam crepidinem*, (for *concamerationem*,) *quæ vulgo* Avolta *dicitur, Dormitorii diminutionem ſupplet.*

Avon-River. See *Alanius.*

Avowee, *Advocatus.* See *Advowe: Britton, cap.* 29. ſaith, That *Avowee* is he to whom the Right of *Advowſon* of any Church appertaineth, ſo that he may preſent in his own Name; and is called *Avowee*, for a Difference from thoſe that ſometimes preſent in another's Name; as a Guardian, that preſenteth in the Name of his Ward: And for a Difference alſo from thoſe, which have the

Lands, whereto an *Advowſon* appertaineth, but only for Term of their Lives, of Years, or by Intruſion, or by Diſſeiſin.

Avowry, Is where one takes a Diſtreſs for Rent, or other Thing, and the other ſues *Replevin*, then the Taker ſhall juſtify his Plea for what Cauſe he took it; and if in his own Right, he ought to ſhew it, and avow the Taking; which is called his *Avowry*. But if he took it in the Right of another, then when he has ſhewed the Cauſe, he ſhall make Cogniſance of the Taking, as Bailiff or Servant to him, in whoſe Right he did it. *Termes de Ley*, 73. & 21 *H.* 8. *cap.* 19. For the more ſpeedy and effectual proceeding upon Diſtreſſes and *Avowries*, ſee 17 *Car.* 2. *cap.* 7.

Aures. The cutting off the Ears was a Puniſhment inflicted by the Saxon Laws on thoſe who robbed Churches, and afterwards on every Thief. *Fleta*, *lib.* 1. *cap.* 38. *par.* 10. And this Puniſhment was not only for Theft, but for many other Crimes. *Upton*, *De militari officio*, *pag.* 140.

Auricularius, A Secretary: *Quem ſibi* amicularium & auricularium *conſtituerat.* Mon. Angl. pag. 120.

Aurum Reginæ, The Queen's Gold. *Rot. Pat.* 52 *H.* 3. *m.* 6. Vid. *Queen-Gold.*

Auſcultare. Becauſe the reading of Prayers with a graceful Tone or Accent made ſome Impreſſion on the Hearers, there was a Perſon appointed in the Monaſteries to hear the Monks read, who directed them how and in what Manner they ſhould do it, before they were admitted to read publickly in the Church before the People; and this was called *auſcultare*, *viz.* to read or recite a Leſſon: *Quicunque lecturus vel cantaturus eſt aliquid in Monaſterio, ſi neceſſe habeat, ab eo,* (*viz. cantore*) *priuſquam incipiat, debet* auſcultare. *Lanfrancus, in decretis pro ordinatione Benedict. cap.* 5.

Auſturcus and **Oſturcus**, a Goſhawk; whence we uſually call a Faulconer, who keeps that Kind of Hawks, an *Auſtringer*. Some ancient Deeds have reſerved *unum auſturcum*, as a Rent due to the Lord.

Autumn. Some computed the Years by *Autumns*, but the Engliſh Saxons by Winters. *Tacitus*, *De moribus German.* tells us, That the ancient Germans knew the other Diviſions of the Year, but did not know what was meant by *Autumn*. And *Lyndewode* tells us when the ſeveral Seaſons of the Year begin:

Dat Clemens Hyemem, dat Petrus Ver cathedratus,
Æſtuat Urbanus, Autumnat *Bartholomæus.*

Autumnalia are the Fruits of the Earth that are ripe in *Autumn* or Harveſt. 'Tis mentioned in *Hengham Mag. cap.* 5. *Iſta autem ultima Lex poteſt vadiari ad ſalvandum* Autumnalia *aut redditum aſſiſum.*

Aurilium ad filium militem faciendum & filiam maritandam, Was a Writ directed to the Sheriff of every County, where the King or other Lord, had Tenants, to levy of them reaſonable Aid towards the Knighting of his Son, and Marriage of his eldeſt Daughter. See *Aide*, and *F. N. B. fol.* 82. But this is utterly taken away by the Stat. made 12 *Car.* 2. *cap.* 24.

Aurilium Curiæ, A Precept or Order of Court, for the Citing or Convening of one Party at the Suit of another. —— *Vocat inde ad Warrantiam Johannem Sutton de Dudley Chevaler, & Iſabellam Uxorem, ut habeat eos hic in Octabis S. Michaelis per auxilium Curiæ.* Paroch. Antiq. p. 477.

Aurilium facere alicui in Curia Regis, To be another's Friend and Solicitor in the King's Court; a Fiduciary Office ſolemnly undertaken by ſome Courtiers, for their Dependents in the Country. —— *Sciant præſentes & futuri, quod Ego Bernardus de S. Walerico conceſſi Rogero de Berkley & hæredibus ſuis* auxilium *& conſilium meum in Curia Domini mei Regis Angliæ.* Paroch. Antiq. p. 126. Vid. *Ayde.*

Aurilium petere, To pray Aid, or Suit in a Cauſe; *i. e.* when an inferior Tenant is impleaded, and not capable to defend the Right in his own Name, he prayeth Aid of the ſuperior Lord, to aſſiſt and juſtify his Plea. —— *Johannes de Handlo implacitatus de Manerio de Pidington,* —— *dicit quod Ipſe non poteſt prædicto Priori ſine ipſo Domino Rege reſpondere, & petit* auxilium *de ipſo Domino Rege.* Paroch. Antiq. p. 414. So the Incumbent prayed Aid of the Patron of the Church, in a Cauſe that affected a larger Portion of Tithes. Vid. *Ayde.*

Aurilium Regis, King's Aid, or Money, levied for the King's Uſe, and publick Service. Vid. *Scutagium.*

Aurilium Vicecomitum, The Aid or Cuſtomary Dues paid to the Sheriff, for the better Support of his Office. *Prior de* Kime *Com.* Linc. *tenet duas carucatas terræ in Thorpe per ſervitium xl denariorum per annum, ad auxilium Vicecomitis.* Mon. Angl. Tom. 2. p. 245. An Exemption from this Duty was ſometimes granted by the King, as a ſpecial Privilege.

Awaite, 13 *R.* 2. *cap.* 1. Seems to be that which we now call *Way-laying*, or lying in *wait* to do a Miſchief. The Words of the ſaid Statute are; *It is ordained that no Charter of Pardon from henceforth ſhall be allowed before any Juſtice for Murder, or for the Death of a Man ſlain by* Await, *Aſſault, or Malice prepenſed, Treaſon, or Rape of a Woman, unleſs the ſame be ſpecified in the Charter,* &c.

Award, May be derived from the French *Agarder*, and is properly the Judgment of one that is neither aſſigned by Law, nor appointed by the Judges, for the Ending a Matter in Controverſy, but is choſen by the Parties themſelves that are at Variance. And may ſeem to be called an *Award*, becauſe it is impoſed on both Parties, *ad cuſtodiendum ſeu obſervandum.* Spelm.

Awme, Mentioned 1 *Jac. c.* 33. and 12 *Car.* 2. *cap.* 4. Is a Meaſure of Rheniſh Wine, containing forty Gallons; yet you may read in an old printed Book theſe Words, —— *The Rood of* Rheniſh Wine *of Dordreyght is ten* Awames, *and every* Awame *is fifty Gallons.* Item, *the Rood of* Antwerp *is fourteen* Awames, *and every* Awame *is thirty-five Gallons.*

Awning, A Canopy ſupported by Iron Staves, hanging over a Boat or Pair of Oars in the River *Thames*. It is the common Word uſed by the Seamen for the Sail in hot calm Weather, ſet tranſverſe over the Deck for Shade.

Axe and **Axen** come from the Saxon Verb *Axian*, to demand; and from hence our Engliſh Word *Ask*.

Axe or **Exe**, a Town in *Devonſhire*.

Axelodunum, *Hexam* in *Northumberland*.

Axminſter, from the Saxon *Acſanmynſter*, ſo called becauſe ſituated near the River.

Ayde, is where a particular Proprietor is impleaded, and not being able to defend the Thing for which he is impleaded, he prayeth *Ayde* of ſome better able; which is performed two Ways: Firſt, In a Plea real, *Tenens petit auxilium de* A. S. *ſine quo reſpondere non poteſt.* Secondly, in a Plea perſonal, and then the Defendant *Petit auxilium ad manutenendum exitum.* See *Aid.*

Azaldus, A Sort of poor Horſe or Jade. —— Affri, Azaldi, & *alii Equi minoris valoris amovendi ſunt a foreſta de* Englewode. Clauſ. 4 *Ed.* 3.

Azorium, Azure-colour. —— *Qui ibidem fodientes lapidem non modicum inventum revolverunt, ſub quo locellum ligneum conſpicati, convocatis Priore ac Conventu ipſum aperuit interius undique depictum, medietas cum vermiculo, altera medietas cum* azorio, & *literas, &c.* Abbat. Glaſton. MS.

B.

Baard, An antient Sort of Veſſel, or Tranſport Ship. —— *Willielmus filius Willielmi Bek, tenet terram ſuam in Levyngburn per Serjantiam inveniendi ad transfretationem Domini Regis unam Navem, quæ vocatur* Baard, *verſus Vaſconiam ſumptibus ſuis propriis.* Tenures, p. 62.

Baca, A Hook or Link of Iron, or a Staple. ——*In axibus emptis & carrectis axandis novem denarios, in colariis,* Bacis, & *ſellis ad idem emptis xiii den.* —— *Conſuetudinarium domus de Farendon MS. penes.* Wh. Kennet, f. 20.

Bacberinde, Is a Saxon Word, and almoſt good Engliſh at this Day, ſignifying ſo much as bearing upon the Back, or about a Man. *Bracton* uſeth it for a Sign or Circumſtance of Theft apparent, which the *Civilians* call *Furtum manifeſtum*; for dividing *Furtum* into *manifeſtum & non manifeſtum*, he defineth *Furtum manifeſtum* in this Sort; *Furtum vero manifeſtum eſt, ubi latro deprehenſus eſt ſeiſitus de aliquo latrocinio, ſcil.* Handhabend & Backberinde, & *inſequutus fuerit per aliquem cujus res illa fuerit.* Lib. 3. Tract. 2. cap. 32. *Manwood* in his Foreſt-Law, Part 2. noteth it for one of the four Circumſtances or Caſes, wherein a Foreſter may arreſt the Body of an Offender againſt *Vert* or *Veniſon*, in the Foreſt. For by the Aſſiſe of the Foreſt of *Lancaſter*, (ſaith he) taken with the Manner, is when one is found in the King's Foreſt in any of theſe four Degrees, *viz. Stable-ſtand, Dog-draw, Backbear* and *Bloody-hand*; in which Place you may find all theſe interpreted.

Baccinium, A Baſon or other Veſſel to hold Water to waſh the Hands. *Non terpeta non Nountergia non* Baccinia, & *nil omnino per violentiam exigatur.* Simeon Dunelm. *anno* 1126. Mon. Angl. *tom.* 3. *pag.* 191. See *Bacina.*

Bacheleria, The Commonalty, as diſtinguiſhed from Baronage. —— *Feſtivitate S. Edmundi Regis & Confeſſoris, in quindenam S. Michaelis apud Weſtmonaſterium per Dominum Regem regaliter celebrata, Communitas* Bacheleriæ *Angliæ ſignificavit Domino Edwardo filio Regis, &c.* Annal. Burton, p. 426. ſub an. 1259.

Bachelor, *Baccalaureus*, Cometh of the French Word *Bachalier*; that is, *Tyro*, a Learner: And thereupon I gather thoſe that be called *Bachelors* of the Companies of *London*, be ſuch of each Company, as are ſpringing towards the Eſtate of thoſe that are imployed in Counſel, but as yet are Inferior. For every of the Twelve Companies hath a Maſter, two Wardens, the Livery, and the *Bachelors*. I have read in an Old Monument, this Word *Bachelor* attributed to the Lord Admiral of *England*, if he were under a Baron. This Word is uſed 13 *R.* 2. *Stat.* 2. *cap.* 1. and ſignifieth the ſame with *Knight-Bachelor*, 3 *E.* 4. *cap.* 5. that is, a Simple Knight, and not a Knight-Baneret, or Knight of the *Bath.* Touching the farther Etymology of this Word, Baccalaurei (*teſte Renano*) *à bacillo nominati ſunt, quia primi ſtudii authoritatem quæ per exhibitionem baculi concedebatur jam conſecuti fuiſſent, &c. Anno* 28 *Ed.* 3. we find a Petition recorded in the Tower, beginning thus, *A noſtre Seigneur le Roy monſtrent votre* Simple Bacheler, *Johan. de Bures, &c.*

Sachez nous Roger de Mortimer *Seigneur de Wygemore avoir donne & grante a noſtre chier* Bachiler, *Monſieur Robert de Harley, pour ſon bon ſervice & pour cent livres de argent, la gard du Corps Gilbert Filz & heir Sir Johan de Lacy, enſemblent ove le marriage meſmes celuy Gilbert deyns age eſteant en noſtre garde, &c. Donne à Penebrugge l'an du Regne le Roy Edward Filz le Roy Edward unzyme.* Yet *Camden* in his *Brit. fol.* 176. makes a Queſtion whether theſe *Bachelors* were not of a middle Degree between *Simple Knights* and *Eſquires.* In *Pat.* 8 *Ric.* 2. *par.* 1. *m.* 4. *Johannes de Clanvou* is ſtiled *Bacalarius Regis.* See *Baneret.*

Bacina, A Baſon.——*Duos Margines de duabus marcis argenti, & duas* Bacinas *argenti de ſex marcis, duo candelabra de ſedecim marcis.* —— Hiſt. Elien. a D. *Gale* edita. p. 623. In the Inquiſition of Serjancies and Knights Fees within the Counties of *Eſſex* and *Hertford*, Anno 12 & 13 R. Joh.—— *Petrus filius Petri Picot, tenet medietatem Heydene per Serjantiam ſerviendi de* Bacinis, *i. e.* by the Service of holding the *Baſon*, or waiting at the *Baſon*, on the Day of the King's Coronation. *Lib. Rub. Scaccar. fol.* 137. See *Baccinium.*

Backberind. See *Bacberinde.*

Baco, A Hog, a fat Hog, a Bacon-Hog. The Word very oftens occurs in our Charters, and other Muniments.

Bactile, A Candle-ſtick, properly ſo called, when formerly made *ex baculo*, of Wood, or a Stick. —— *Hugo Epiſcopus Dunelmenſis fecit in Eccleſia coram Altari tria ex argento* bactilia——*in quibus lumina die noctuque perpetuo ardentia lucerent.* Coldingham, Hiſt. Dunelm. apud Wartoni Ang. Sac. P. 1. p. 723.

Badger, Cometh from the French *Bagage*; that is, *Sarcina*, a Bundel or Fardel; and thence is derived *Bagagier*, a Carrier of Bundles: It is uſed with us for one that is licenſed to buy Corn, or other Victuals in one Place, and carry them to another to ſell; and ſuch an one is exempted in the Statute made in the 5 and 6 of *Ed.* 6. *c.* 14. from the Puniſhment of an Ingroſſer within that Statute. See *Crompton's Juſtice of Peace, fol.* 69, 70.

Badiza, Badereſter. See *Bath.*

Baga, A Bag, or Purſe.——*Carta Decani Eccleſiæ Litchfield, in Mon. Angl. tom.* 3. *p.* 237. *ducentas marcas pecuniæ in quadam* Baga *de Whalley.*

Bagabel. *Edw.* 1. by his Charter granted to the Citizens of *Exeter*, a Collection of a certain Tribute upon all Manner of Wares brought to that City to be ſold, towards the Paving the Streets, Repairing the Walls, and Maintenance of the City, commonly called in old *Engliſh* Bagabel, Bethugabel and Chipping-gabel. *Antiq. of Exeter.*

Bahaum is mentioned in *Fleta, lib.* 2. *cap.* 21. and ſignifies a Cheſt or Coffer.

Baiardour, A Carrier, or Bearer of any Weight or Burden; Lat. *Bajulator.* Whence our *Badgers* or Carriers of Corn from one Market to another.——*offerebant duos Inciſores in ſua lapidicina, & cariagium petræ uſque ad navim, & de navi uſque duos* Baiardours *ſervituros ad Eccleſiam.* Petr. Bleſ. Contin. Hiſt. Croyland. p. 120.

Bail, (*Ballium, plevina, manucaptio*) Cometh of the French (*bailler, tradere.*) It is uſed in our Common Law properly for the Freeing or Setting at Liberty of one arreſted or impriſon'd upon Action, either Civil or Criminal, under Surety taken for his Appearance at a Day and Place certainly aſſigned. *Bract. lib.* 3. *tract.* 2. *cap.* 8. *num.* 8 & 9. The Reaſon why it is called *Bail*, is, becauſe by this Means the Party reſtrained is delivered into the Hands of thoſe that bind themſelves for his Forth-coming: There is both Common and Special *Bail*; Common *Bail*, is in Actions of ſmall Concernment; and is called Common, becauſe any Sureties in that Caſe are taken: Whereas upon Cauſes of greater Weight, or apparent Specialty, Special *Bail* or Surety muſt be taken, as Subſidy-men at the leaſt, and that to the Value. *Manwood* in his Foreſt-Laws, *Part* 1. *p.* 167. maketh a great Differenee between *Bail* and Mainprize, ſaying, He that is *mainpriſed*, is always ſaid to be at large, and to go at his own Liberty out of Ward, after that he is let to *Mainpriſe*, until the Day of his Appearance, by Reaſon of the ſaid Common Summons, or otherwiſe; but it is not ſo, where a Man is let to *Bail*, by four or two Men, by the Lord Chief Juſtice in *Eyre* of the Foreſt, until a certain Day; for there he is always accounted by the Law, to be in their Ward and Cuſtody for the Time: And they may, if they will, keep him in Priſon, or Ward during that Time. So that he who is ſo *bailed*, ſhall not be ſaid by the Law to be at large, or at his own Liberty. See *Lam. Eiren. lib.* 3. *cap.* 2. *pag.* 330. *Bail* is alſo a certain Limit within the Foreſt, according as the Foreſt is divided into the particular Charges of ſeveral Foreſters, *Cromp.* in the Oath of *Bow-bearer*, *fol.* 201. See *Mainpriſe*, and 4 *Inſt. fol.* 178.

Bailiff, (*Ballivus*) Cometh from the *French* Word *Bayliff*, that is *Præfectus Provinciæ*, and as the Name, ſo the Office it ſelf in ancient Time was anſwerable to that of *France* and *Normandy*: For as in *France* there be ſeveral Parliaments, which being Courts, from which lies no Appeal, and within the Precincts of the ſeveral Parts of that Kingdom, that belong'd to each Parliament, there be ſeveral Provinces, unto which, within themſelves, Juſtice is miniſtred by certain Officers called *Bailiffs*. So in *England*, we ſee many ſeveral Counties or Shires, within which Juſtice hath been miniſtred to the Inhabitants of each County, by the Officer whom we call *Sheriff* or *Viſcount*: The one of which Names deſcends from the *Saxons*, the other from the *Normans*. And though I cannot expreſly prove, that this *Sheriff* was ever called a *Bailiff*; yet it is propable, that might have been one of his Names, becauſe the County is many Times called *Balliva*, a Bailiwick: As in Return of a Writ, where the Perſon is not arreſted, he ſaith, *Infranominatus* A. B. *non eſt inventus in* Balliva *mea. Kitchen* Ret. Brev. f. 287. And again, in *Bracton, lib.* 3. *tract.* 2. *cap.* 33. *num.* 3. and 5 *Eliz.* 23. and 14 *E.* 3. *Stat.* 1. *c.* 6. And in the *Sheriffs* Oath the County is called his *Bailiwick*. And, I think the Word *Bailiff* uſed *cap.* 28. of *Magna Charta*, compriſeth as well *Sheriffs* as *Bailiffs* of Hundreds, whom the *Saxons* called *Scyrmans*. So 14 *E.* 3. *Stat.* 1. *cap.* 9. But as the Realm is divided into Counties, ſo every County is again divided into Hundreds, within which it is manifeſt, That formerly the King's Subjects had Juſtice miniſtred to them by the ſeveral Officers of every Hundred, which were called *Bailiffs*. See *Lupanus de Magiſtrat. Francor. lib.* 2. *cap.* Ballivi. And the *Grand Cuſtumary* of *Normandy*, *cap.* 1. And the Truth hereof *Bracton* atteſts, *lib.* 3. *tract.* 2. *cap.* 34. *num.* 5. Where it appeareth, That *Bailiffs* of Hundreds might hold Plea of Appeal and Approvers. But ſince that Time, theſe Hundred-Courts, (certain Franchiſes excepted) are by the Statute of 14 *E.* 3. *Stat.* 1. *c.* 9. diſſolv'd in the County-Courts, as you read in *County* and *Hundred*. And the *Bailiffs* Name and Office is grown into ſuch Contempt, that now they are only Officers to ſerve Writs, and do ſuch baſe Offices within their Liberties. *Cromp. Juſt. of Peace, fol.* 49. *a.* Yet is the Name ſtill in good Eſteem otherwiſe, for the chief Magiſtrates in divers Towns be called *Bailiffs*; as in *Ipſwich, Yarmouth, Colcheſter*, and other Places: And there be others, to whom the King gives the Cuſtody of his Caſtles, which are called *Bailiffs*, as the *Bailiff* of *Dover* Caſtle.

Theſe ordinary *Bailiffs* are of two Sorts; *Bailiffs Errants*, and *Bailiffs of Franchiſes*: Bailiffs Errants, *Ballivi Itinerantes*, be thoſe which the Sheriff maketh and appointeth to go hither and thither in the County to ſerve Writs, to ſummon the County, Seſſions, Aſſizes, and ſuch like. Bailiffs of Franchiſes, *Ballivi Franchefiarum aut Libertatum*, be thoſe that be appointed by every Lord within his Liberty, to do ſuch Offices within his Precincts, as the *Bailiff Errant* doth at large in the County. Of theſe, read Sir *Thomas Smith, De Rep. Angl. lib.* 2. *cap.* 16. There be alſo *Bailiffs* of the Foreſt. *Manwood, part* 1. *p.* 113. There be likewiſe *Bailiffs* of Husbandry, belonging to private Men of great Subſtance, who ſeem to be ſo called, becauſe they diſpoſe of the Under-Servants, every Man to his Labour and Task, check them for miſdoing their Buſineſs, gather the Profits to their Lord and Maſter, and deliver an Account for the ſame at the Year's End, or otherwiſe, as it ſhall be called for. The Office or Duty of a *Bailiff* of a Manor, or Houſhold, (which in ancient Time ſeemeth to have been all one) *Fleta* well deſcribeth, *lib.* 2. *cap.* 72, 73. This Word is alſo uſed in the Canon Law, *cap. Dilecto de ſent. Excom. in ſexto, &c.* 1 *de pœnis in Clement.* where the Gloſſographer ſaith, it is a *French* Word, ſignifying as much as *Præpoſitus*; and *Balliva* and *Ballivatus* is uſed among our Interpreters of the Civil and Canon Law for *Provincia*, as *Balliva* here with us in *England*, is taken for a County or Shire. The Word *Balivus* is derived from *Baal*, i. e. *Dominus*; *quia* Balivi *dominantur ſuis ſubditis, quaſi eorum Magiſtri & Domini.*

Bailiff of a Commote (in *Wales Balivus Commoti*) ſeems to have ſome Power of Judicature within the Precincts of the Commote. For thus we read in *Stat. Walliæ*, Balivi *autem* Commotorum *de cætero teneant Commotos ſuos, & juſticiam faciant & exerceant inter litigantes.*

Bailiff of the Moot. See *Moot.*

Bailment, Is a Delivery of Things, whether Writings, Goods, &c. to another, ſometimes to be delivered back to the Bailor; that is, to him that ſo delivered it; ſometimes to the Uſe of the Bailee, that is of him to whom it is delivered; and

and ſometimes alſo it is delivered to a third Perſon: This Delivery is called a *Bailment.*

Bamberga, An iron Armour which covered the Legs in Time of War.

Bairman, A poor inſolvent Creditor left bare and naked.—— *Stat. Will. Reg. Scot. cap.* 17. Bairman, *qui debet fieri, jurabit in Curia quod nihil habet ultra 5 ſolidos & 5 denarios.*

Balance of Trade, A Computing the Value of all Commodities which we buy from Foreigners, and on the other Side, the Value of our native Productions, and Over-plus of foreign Goods, which we export into Neighbour-Nations. And the Difference or Exceſs between the one Side and the other of ſuch Account or Reckoning, is called *The Balance of Trade.* Which Exceſs can be anſwered by us in nothing but our Coin or Bullion. The Overplus of Goods brought from our Colonies in *America*, and other foreign Parts, with which we ſupplied our Neighbours, did in Time of Peace at leaſt *Balance* our Trade.

Balcanifer for **Baldakinifer**, *i. e.* a Standard-bearer; 'tis mentioned in *Matt. Pariſ. Anno* 1237. viz. *ea die* Balcanifer, *qui ut alii, qui ceciderunt, cruentiſſimam de ſe reliquit hoſtibus victoriam, &c.*

Baldakinus, The richeſt Cloath, now called *Brocade*, made with Gold and Silk: *Tumba ſancti Alborni obtulit optimum* Baldakinum. *Matt. Weſtm. Anno* 1260. *Dominus Rex veſte deaurata facta de pretioſiſſimo* Baldakino *fedens.* Matt. Pariſ. Anno 1247. See *Baudekin*, ſo called, becauſe it was formerly brought from *Babylon*, which in *Latin* was called *Baldacus.*

Bale, A Pack, or Quantity of Goods or Merchandiſe; as a Bale of Silk, Cloth, &c. The Word is uſed in 16 *R.* 2. *cap.* 1. and ſtill in Uſe.

Balenger, By the Statute of 28 *H.* 6. *cap.* 5. ſeems to be a Kind of Barge, Boat, or Water-Veſſel.

Balenger rather ſignifies a Man of War, *tandem pene ſolus fugiens in* Balingario. *Walſingh.* in R. 2. *Hoſtes armaverunt quinque vaſa bellica qualia* Balingarias *appellamus.* Idem.

Baleuga, A Territory or Precinct. ——*Cum tali libertate, quod per totam* Baleugam *poſſit capere forisfactum ſuum.* Charta Hen. 2. Recorded in the Dutchy-Office. See *Bannum* & *Banleuca.*

Baleys, A Rod: *Ferens in manu virgam quam vulgo* Baleys *appellamus.* Mat. Pariſ. Anno 1252.

Baliſtarius, A *Baliſter*, or Croſs-bow Man; *Gerard de la Wair* is recorded to have been *Baliſtarius Domini Regis.* 28, 29 *Hen.* 3. *n.* 25. So *Walterus de Moſeley. Com. Sur. tenet terras per Serjantiam exiſtendi* Baliſtarius *Domini Regis in exercitu ſuo, per* xl *dies, Anno* 32 H. 3.

Baliva. In the Statute of *Marlbridge*, 52 *H.* 3. *cap.* 2. it is ſaid,—— *ubi* Balivam *habeat vel Juriſdictionem.* Here *Baliva* is well expounded by the Statute it ſelf; for in this Place it ſignifies Juriſdiction. *Co. Inſt. fol.* 105.

Baliva amovendo, Is a Writ to remove a Bailiff out of his Office, for want of ſufficient living in his Baliwick. *Reg. Orig. fol.* 78.

Balkers or **Balkors.** See *Conders.*

Ballare. This Word is found in *Fleta*, and ſignifies *ſcopis expurgare.*

Balliva, A Bailiwick; from the French *Bailler*, to deliver, or commit. *Ballivus* was the Perſon to whom an Authority or Truſt was committed within ſuch a Diſtrict. *Balliva* was the whole Diſtrict, within which the ſaid Truſt was to be executed. A whole County was ſo called, in reſpect of the Sheriff, *infra Ballivam tuam.* A whole Barony, in reſpect of the Lord or Baron; a Hundred in reſpect of the Chief Conſtable; a Manor, in reſpect of the Steward: A Circuit of Villages and Hamlets, with reſpect of the Capital Manor.

Ballium, Bail, or Delivery out of the Hands of a proper Bailiff or Keeper, of the Goods ſo delivered.—— *Catalla Felonum per viſum & ballium Coronatorum tradantur.* Cart. 3 Ed. 1. ex Cartular. Radinges, MS. f. 156. b. *Ballium* ſignifies alſo a Sort of Fort or Bulwark: *Eam civitatem cum exteriori* Ballio *caſtri bellatorum ſuorum inſultibus occupavit.* Matt. Weſtm. Anno 1265.

Balls. It hath been ſometimes the Engliſh Cuſtom to caſt Lots by *Balls.* As *A. D.* 1593. 14 *Apr. Decanus Eccleſiæ Wellenſis & Canonici Reſidentiarii miſerunt Sortes pro Beneficiis, communiter nuncupat.* Balls. Regiſtr. Cartar. penes Decan. & Capit. Well.

Ban or **Bans**, *Bannum* ſignifieth a publick Notice given of any Thing. The Word is ordinary among the *Feudiſts*, and grown from thence to other Uſes; as to that which we here in *England* call a *Proclamation*, whereby any Thing is publickly commanded or forbidden: *Vincent. de Franchef. deſcif.* 251, & 360. *Hottoman verbo* Bannus, *in verbis Feudalibus*, ſaith, That there is both *Bannus* and *Bannum*, and that they ſignify two divers Things. But in *England* we uſe this Word *Bans*, eſpecially in publiſhing matrimonial Contracts in the Church, before Marriage, That if a Man can ſay ought againſt the Intention of the Parties, either in reſpect of Kindred, Precontract, or otherwiſe, they may take their Exception in Time. And in the Cannon Law, *Bannæ ſunt Proclamationes Sponſi & Sponſæ, in Eccleſiis fieri ſolitæ, cap.* 27. *Extra deſponſ. &c.* Yet our Word *Banning* ſeems to come from thence, being an Exclamation againſt, or Curſing of another. *Bracton* in one Place mentions *Bannus Regis*, for a Proclamation, or Silence made in Court by the Cryer, before the Meeting of Champions to a Combate, *Lib.* 3. *tract.* 2. *cap.* 21. *In terra ditionis ſuæ* Bannum, *id eſt, interdictum miſit, quod eſt Prohibitio, quod nullus fur aut latro eſſet, &c.* Hiſtor. Norman. Edit. 1619. fol. 85. b.

Bancalia, Cuſhions, or like Coverings of Eaſe and Ornament, for Benches or other Seats.—— *Prior* Elienſis *contulit unum dorſale magnum & pulchrum, cum tapetis & bancalibus ejuſdem ſectæ*—— *de quibus jam fiunt pro magno Altari & Altari in Choro, & bancalia ſuper formas in Choro ſternenda in Feſtis principalibus.* Hiſtor. *Elien.* apud *Wharton* Ang. Sacr. P. 1. p. 649. And we find it mentioned in ſeveral Places in the *Monaſticon*, as in 1 *Tom. pag.* 222. *Septem ſcamnorum tegmina, vulgo* Bancalia, *&c.*

Bancus, A Stall, a Bench or Table, on which Goods are expoſed to Sale. As *Lib. Doomſ-day*, ——*In Eboraco Civitate*—— *Comes de Moritonio habet ibi* xiv *manſiones, & duos* bancos *in macello, & Eccleſiam Sanctæ Crucis.*

Bandore, A Muſical Sort of Inſtrument with Strings, firſt invented by *John Roſe* Citizen of *London*, living in *Bridewell*, the 4th of Queen *Elizabeth.* See *Stow Annal. p.* 869.

Bane, Proceeds from the Saxon *Bana*, a Murderer, and ſignifies the Deſtruction or Overthrow of any Thing. *Bract. lib.* 3. *tract.* 2. *cap.* 1. *nu.* 1. He which is the Cauſe of another Man's Death, is ſaid to be *le Bane*, a Malefactor. So when

when a Man receives a mortal Prejudice by any Thing, we commonly ſay, Such a Thing was his *Bane*.

Baneret, *Bannerettus*, *Miles Vexillarius*, in Mr. *Skene's* Opinion ſeemeth to be compounded of *Banner* and *Rent*. But *Cambden* in his *Britannia*, *pag.* 109. derives it from the German *Bannerheyres*. Sir *Tho. Smith*, *lib. de Rep. Angl. cap.* 18. ſaith, That a *Baneret* is a Knight made in the Field, with the Ceremony of cutting off the Point of his Standard, and making it as it were, a *Banner:* And accounted ſo honourable, that they are allowed to diſplay their Arms in a *Banner* in the Field in the King's Army as Barons do. Others add, that Blood muſt be firſt drawn in the Field. Theſe are *Camden's* Words, *loco ſupra citato*; *Banneretti, cum Vaſſalorum nomen jam deſierat, à Baronibus ſecundi erant*; *quibus inditum nomen a Vexillo*: *Conceſſum illis erat Militaris virtutis ergo quadrato Vexillo* (*perinde ac Barones*) *uti, unde* & Equites Vexillarii *à nonnullis vocantur*, &c. Of creating a Knight *Baneret*, read Mr. *Segar Norroy* his Book, *lib.* 2. *cap.* 10. That they be next to Barons in Dignity, appears by the Statute, 14 *R.* 2. 11. and by 5 *R.* 2. *Stat.* 2. *cap.* 4. It may be conjectured, That they were anciently called by Summons to the Court of Parliament. And 13 *R.* 2. *Stat.* 2. *cap.* 1. we find, That a *Baneret* for praying a Pardon for a Murderer, contrary to the Statute, is ſubject to all one Puniſhment with a Baron. *Henry* the Seventh made divers *Banerets* upon the *Corniſh* Commotion, *Anno* 1495. And *William de la Pole* was created a *Banneret* by *Edward* 3. by Letters Patent *Anno regni ſui* 13. *Memb.* 13. Thoſe *Bannerets* who are created *ſub vexillis Regiis in exercitu regali, in aperto bello*, & *ipſo Rege perſonaliter præſente, explicatis*, take Place of Baronets, as appears by the Letters Patent for Creation of Baronets. See further *Selden's* Titles *of Honour*, *fol.* 799. and *Co. Inſt.* 4. *fol.* 6.

Bangor. See **Bonium.**

Baniſhment, *Exilium*, *abjuratio*, Cometh of the French Word *Baniſſement*, and hath a Signification known to every Man: But there be two Kinds of *Baniſhment* in *England*; one voluntary, and upon Oath, whereof you may read *Abjuration*; the other upon Compulſion, for ſome Offence or Crime. As if a Lay-man ſuccour him that having taken Sanctuary for an Offence, obſtinately refuſeth to abjure the Realm, he ſhall loſe his Life and Member. If a Clerk do ſo, he ſhall be *baniſhed*, *Staundf. Pl. Cor. fol.* 117. This Puniſhment is alſo of our modern *Civilians* called *Bannimentum*, which was anciently termed (*deportatio*) if it were perpetual, or (*relegatio in inſulam*) if for a Time. *Vincent. de Franchef. Pet. de Belluga in ſuo ſpeculo*, *fol.* 125. *nu.* 4.

Bank, *Bancus*, Cometh of the French *Banque*, *i. e. Menſa*. In our Common Law, it is moſt uſually taken for a Seat or Bench of Judgment; as *Bank le Roy*, the King's Bench; *Bank de Common Pleas*, the Bench of Common Pleas; *Kitchin*, *fol.* 102. called alſo in Latin *Bancus Regis*, & *Bancus communium Placitorum*, *Cromp. Juſt. fol.* 67 & 91. *Cambden* alſo in his *Brit.* calls them *Bancum Regium*, & *Bancum Communem:* There is another Sort of *Bank*, which ſignifies a Place where a great Sum of Money is let out to Uſe, returned by Exchange, or otherwiſe diſpoſed to Profit. *Jus Banci*, or the Privilege of the Bench, was anciently allowed only to the King's Judges *qui ſummam adminiſtrant juſtitiam*; for inferiour Courts, ſuch as Court-Barons, and Hundred-Courts were not allowed that Privilege ſince at this Day the Hundred-Court at *Freebridge* in *Norfolk* is held under an Oak at *Geywood*; and that the Court for the Hundred of *Woolfey* in *Herefordſhire* is held under an Oak near *Aſhton* in that County, which is called, *The Hundred-Oak*. See *Free-Bench*.

Bankers. The Uſurers and mony'd Goldſmiths firſt got the Name of *Bankers*, in the Reign of *Ch.* 2. as by the Words of an Act of Parliament, *Anno* 22, 23 *Car.* 2. *Whereas ſeveral Perſons, being Goldſmiths, and others, by taking or borrowing great Sums of Money and lending out the ſame again, for extraordinary Hire and Profit, have gained and acquired to themſelves the Reputation and Name of* Bankers, &c.

Bankrupt, *Quaſi Bancus ruptus*, or *Bankrupt*; becauſe when the Bank or Stock is broken, or exhauſted, the Owner is ſaid to be a Bankrupt. The Compoſition of the French Word, I take to be this; *Banque*, that is, *Menſa*, and *Route*, that is, *Veſtigium*, metaphorically taken for the Sign left in the Earth, of a Table once faſtened into it, and now taken away. So that the Original ſeemeth to be drawn from thoſe *Roman Menſarii*, which, as appeareth by many ancient Writers, had their *Tabernas* & *Menſas* in certain publick Places, where they fled, and deceived Men that had put them in Truſt with their Money, they left but the Signs or Carcaſſes behind them. But *Bankrupt* with us ſignifies his or her Act, that having gotten other Mens Goods into his Hands, hideth himſelf in Places unknown, or in his own private Houſe, not minding to reſtore to his Creditors what is due to them. In the Statute made 34 *H.* 8. *c.* 4. the French Word *Banque Route fair*, is literally tranſlated to make Bankrupt. And by 1 *Jac. c.* 15. a Bankrupt is thus deſcribed: *All and every ſuch Perſon uſing, or that ſhall uſe the Trade of Merchandiſe, by Way of Bargaining, Exchange, Bartery, Cheviſance, or otherwiſe in Groſs, or by ſeeking his, her, or their Trade of living, by Buying and Selling; and being a Subject born within this Realm, or any of the King's Dominions, or Denizen, who at any Time ſince the firſt Day of this preſent Parliament, or at any time hereafter ſhall depart the Realm, or begin to keep his, her, or their Houſe or Houſes, or otherwiſe to abſent him, or her ſelf, or take Sanctuary, or ſuffer him or her ſelf willingly to be arreſted for any Debt or other Thing not grown or due, for Money delivered, Wares ſold, or any other juſt or lawful Cauſe, or good Conſideration or Purpoſe, or hath, or will ſuffer him or her ſelf to be outlawed, or yield him or her ſelf to Priſon, or willingly or fraudulently hath, or ſhall procure him or her ſelf to be arreſted, or his, or her Goods, Money, or Chattels to be attached or ſequeſtred, or depart from his or her Dwelling-houſe, or make, or cauſe to be made any fraudulent Grant, or Conveyance of his, her, or their Lands, Tenement, Goods or Chattels, to the Intent, or whereby his, her or their Creditors, being Subjects born, as aforeſaid, ſhall, or may be defeated, or delayed for the Recovery of their juſt and due Debts; or being arreſted for Debt, ſhall after his or her Arreſt, lye in Priſon ſix Months, or more, upon that Arreſt, or any other Arreſt or Detention in Priſon for Debt, and lye in Priſon ſix Months upon ſuch Arreſt or Detention, ſhall be accounted and adjudged a* Bankrupt, *to all Intents and Purpoſes.* But the later Act, 14 *Car.* 2. *cap.* 23. hath provided, That no Perſon whatſoever, who ſhall adventure in the *Eaſt-India*, or *Guinea* Company, or in the Royal Fiſhery Trade, ſhall be eſteemed a Merchant or Trader within any Statute of *Bankrupt*, or liable to the ſame.

Banleuga. See *Bannum.*

Bannatus foztis, In the ſame Senſe as *Bannitus*, Outlawed, or judicially baniſhed. —— *Ego* David *Filius* Leolini *conceſſi Domino* Henrico *Regi* Angliæ —— *quod de cætero non receptabo* Utlagos, *vel* Forisbanniatos *ipſius Domini Regis, vel Baronum ſuorum.* Pat. 25 Hen. 3. apud Brady Hiſt. Angl. Append. p. 196.

Banni Nuptiales, The *Banns* of Matrimony. —— Benedictus de Hertelpool, *præſentatur ad Eccleſiam de* Rungeton *per Priorem & Conv.* Dunelm. 3 *Id. Novemb.* 1274. *per emotionem* Johannis de Baulton, *qui Matrimonium contraxit cum* Iſabella de Aſlakeby, Bannis *editis in facie Eccleſiæ, ut moris eſt de* Goldburg. Ex Regiſt. Walt. Giffard. Archiep. Ebor.

Bannimus, The Form of Expulſion of any Member, from the Univerſity of *Oxford*, by affixing the Sentence in ſome publick Places, as a Denunciation or Promulgation of it.

Bannitus, An Outlaw, or Baniſhed Man — *Vobis præcipimus quod eidem Cancellario ad inſequendum, arreſtandum & capiendum dictos Malefactores &* Bannitos, *&c.* Pat. 15 Ed. 3. Part. 3. dorſ. 8.

Bannum, vel Banleuga, The utmoſt Bounds of a Manor or Town, ſo uſed 47 *Hen.* 3. *Rot.* 44. *Carta Canuti Regis Cœnobio Thorneiæ. Notum facio, me eleemoſynam noſtram Chriſto conceſſiſſe & omnibus Sanctis ſuis, &c.* viz. *primo Terram illam a* Twiwella *uſque* Therney, *ubi* Bannum *noſtrum ceſſat. Banleuca de Arundel* is uſed for all comprehended within the Limits or Lands adjoining, and ſo belonging to the Caſtle or Town. *Seld.* Hiſt. of Tithes, *pag.* 75.

Banquerium. See *Bancale:* Fleta, Lib. 2. ca. 6. *Debet diſponere, & cameræ tapetis &* Banqueriis *ornentur, &c.*

Barator. See *Barrator.*

Barberies, (*Oxycantha*) A Thorny Shrub, known to moſt Men to bear a Berry or Fruit red, and of a ſharp Taſte. Theſe Berries, as alſo the Leaves of the ſaid Tree, are medicinable, as *Gerard* ſheweth in his *Herbal, lib.* 3. *cap.* 21. you find them mentioned among Drugs to be garbled. *Anno* 1 *Jac. cap.* 9.

Barbican (*Barbicanam*) A Watch-Tower, Bulwark, or Breaſt-Work. *Mandatum eſt Johanni de Kilmyngton Cuſtodi Caſtri Regis & Honoris de* Pickering, *quoddam* Barbicanum *ante portam Caſtri Regis prædicti muro lapideo, & in eodem* Barbicano *quandam portam cum ponte verſatili, &c. de novo facere, &c. T. Rege,* 10 *Aug.* Clauſ. 17 Ed. 2. m. 39. *Fontem etiam duplici muro circumdatum habentem* barbicanum *novem turribus circumſeptum.* Rand. de Diceto, Anno 1181.

Barbicanage; (*barbicanagium*) Money given to the Maintenance of a *Barbican*, or Watch-Tower. *Carta* 17 *Ed.* 3. *m.* 6. *n.* 14. 'Tis a Tribute towards the Repairing or Building a Bulwark: 'Tis mentioned in the *Monaſticon.* 1 *Tom. p.* 976. *De kaiagio, muragio, paagio,* barbicanagio, *& de operibus caſtrorum, &c.*

Barca, a Bark; *Navis mercatoria, & quæ merces exportat. Gloſſ. Sax. Ælfrici.* A Flotskip.

Barcaria, *Barcaria*, A *Barkary*, or Tan-houſe, or Place to keep Bark for the Uſe of Tanners. *New Book of Entries*, Tit. *Aſſiſe, Corp. Polit.* 2.

Barcarium, *Barcaria*, A *Berghery*, a Sheep-coat, and ſometimes a Sheep-walk. See *Bercaria.*

Bercarii, or rather Berquarii, May be taken for Shepherds; for we uſually ſay, *Berecarium* a Shepherd, and both ſeem to come from the French Word *Bergerie.*

Bard *alias* Beard. See *Clark.*

Bar-Fee, Is a *Fee* of 20*d.* which every Priſoner, acquitted of Felony, pays to the Gaoler. *Crompt. Juſt. of Peace, fol.* 158.

Bargain and Sale, As it ſeemeth by *Weſt. Symb. Par.* 1. *Lib.* 2. *Sect.* 436. is properly a Contract made of Manors, Lands, Tenements, Hereditaments, and other Things, transferring the Property thereof from the *Bargainor* to the *Bargainee*; whereto the Author of the New Terms of Law addeth, That it ought to be for Money; ſaying withal, that it is a good Contract for Land, *&c.* and that the Fee-ſimple paſſeth thereby, tho' it be not ſaid in the Deed, *To Have and to Hold the Land to him and his Heirs:* And though there be no Livery and Seiſin, made by the Vendor, ſo it be by Deed indented, ſeal'd and inroll'd, either in the County where the Land lies, or within one of the King's Courts of Records at *Weſtminſter*, within ſix Months after the Date of the Deed, according to 27 *H.* 8. *cap.* 16. Such *Bargain* and *Sale* may be made by Leaſe and Releaſe, without Livery or Enrolment.

Bargarer, Is an obſolete Word ſignifying a Shepherd, from the French *Berger.*

Barghmaſter. See *Berghmaſter.*

Barillus, *Barillum*, A Barrel. —— *Et propter hanc donationem prædictus* Thomas *dedit unum* barillum *vini, &c.* Cartular. Hen. de Oilly, temp. Hen. 2. See *Barrel.*

Baron, (*Baro*) Is a French Word, and hath divers Significations here in *England.* Firſt, It is taken for a Degree of Nobility next unto a Viſcount. *Bract. lib.* 1. *cap.* 8. *num.* 4. ſaith, *Sunt & alii Proceres ſub Rege, qui dicuntur Barones, quaſi robor Belli.* And in this Signification it is borrowed from other Nations, with whom *Baroniæ* be as much as *Provinciæ. Petr. Belluga in ſpecul. Princip. fol.* 119. So that *Barons* ſeem to be ſuch, as have the Government of Provinces, as their Fee holden of the King; ſome having greater, ſome leſſer Authority within their Territories: Yet it may be probably thought, that of old Times here in *England*, they were called *Barons* that had ſuch Signiories, as we call *Court-Barons*, as they be at this Day in *France* called *Seigneurs*, that have any ſuch Manor or Lordſhip. And the Learned in Antiquities have affirmed, That ſoon after the Conqueſt, all ſuch came to the Parliament, and ſate as Peers in the Upper-Houſe. But when by Experience it appeared, That the Parliament was two much thronged by ſuch Multitudes, it was in the Reign of King *John* ordain'd, that none ſhould come, but ſuch as the King for their extraordinary Wiſdom, Intereſt, or Quality, thought good to call by Writ; which Writ alſo then ran (*hac vice tantum.*) But then Men ſeeing this Eſtate of Nobility to be but caſual, and to depend meerly upon the Prince's Pleaſure, they obtained of the King Letters Patent, to ſettle ſuch Honour upon them, and their Heirs Male, and theſe were intitled *Barons by Patent*, or Creation, whoſe Poſterity be now by Inheritance, and true Deſcent of Nobility, thoſe *Barons* that be called *Lords of the Parliament*, of whom the King may create at his Pleaſure. Yet nevertheleſs, there are *Barons by Writ*, as well as *by Letters Patent*, and they may be diſcerned by their Titles; becauſe the *Barons by Writ* are thoſe that to the Title of Lord, have their own Surname annexed, whereas *Barons by Letters Patent* are named

named by their *Baronies*. Theſe *Barons* which were firſt made by Writ, may now juſtly be called *Barons by Preſcription*, for that they have continued *Barons* by themſelves and their Anceſtors, beyond the Memory of Man. The Original of *Barons* by Writ, *Cambden* in his *Brit. Pa.* 109. referreth to *Henry* the Third. *Barons* by Letters Patent, or Creation (ſay our Antiquaries) commenced in the Time of *Richard* II. For then *John Beauchamp* was created *Baron* of *Kedderminſter*. The Manner of whoſe Creation, read in *Stow*'s Annals, p. 1121. *Selden*'s Titles of Honour, fol. 687. *Ferne*'s Glory of Generoſity, p. 125, 126. *Skene de verb. ſign.* Tit. *Baro.* And Sir *Tho. Smith*, *lib.* 1. *de Rep. Ang. cap.* 17. ſaith, That none in *England* is created a *Baron*, unleſs he can diſpend 1000 *li. per an.* or at leaſt 1000 Marks. To theſe *Segar* (by Office *Norroy*) *lib.* 4. *c.* 13. Of Honour Civil and Military, addeth a third Kind of *Barons*, calling them *Barons by Tenures*; and thoſe be the Biſhops of the Land; all which, by Virtue of *Baronies* annexed to their Biſhopricks, have always had Place in the Upper-Houſe of Parliament, and are termed Lords Spiritual. But in former Days all Men were called *Barons:* 'Tis certain the King's Tenants were ſo called: *Si quis* Baronum *meorum, vel comitum, vel aliorum, qui de me tenuit, mortuus eſt.* Mat. Pariſ. *an.* 1110. *Fecit notificari per totam Angliam, ut* Baro *quiſquis terram tenens de Rege in capite, &c. Matt. Weſtm. pag.* 317. Afterwards it ſignified only Noblemen: *Nam ſi illi* Barones *poſt mortem Pepini, ſic ſano conſilio egerunt, ut pax inter fratres Regis & inter regni Primores ac populum eſſet. Du Freſne*: Where 'tis plain that *Barones* and *Primores* have the ſame Signification.

Baron in the next Signification, is an Officer, as *Barons* of the Exchequer, of whom the Principal is called *Lord Chief Baron* (*Capitalis Baro*) and the three other (for ſo many there be) are his Aſſiſtants in Cauſes of Juſtice, between the King and his Subjects, touching Matters appertaining to the Exchequer and the King's Revenue. The *Lord Chief Baron* is the Chief Judge of the Court, and in Matter of Law, Information and Plea, anſwereth the Bar, and giveth Order for Judgment thereupon. He alone in the Term-Time ſits upon *Niſi prius*, that come out of the King's Remembrancer's Office, or out of the Office of the Clerk of the Pleas, which cannot be diſpatcht in the Mornings for want of Time. He taketh Recognizances for the King's Debts, for Appearances and obſerving of Orders. He taketh the Preſentation of all Officers in Court under himſelf, and of the Mayor of *London*, and ſees the King's Remembrancer give them their Oaths: He taketh the Declaration of certain Receivers Accounts of the Lands of the late Augmentation made before him by the Auditors of the Shires; and gives two Parcel-makers Places by Virtue of his Office. The Second *Baron*, in the Abſence of the Lord Chief *Baron*, anſwers the Bar in Matters aforeſaid. He alſo taketh Recognizances for the King's Debts, Appearances and obſerving of Orders: He giveth yearly the Oath of the late Mayor and Eſcheator of *London*, for the true Account of the true Profits of his Office: He taketh a Declaration of certain Receivers Accounts. He alſo examineth the Letters and Sums of ſuch Sheriffs foreign Accounts, as alſo the Accounts of Eſcheators and Collectors of Subſidies and Fifteenths, as are brought unto him by the Auditors of the Court. The Third *Baron*, in the Abſence of the other two, anſwereth the Bar in Matters aforeſaid, and taketh Recognizances as the Former. He giveth yearly the Oath of the late Mayor and Gawger of *London* for his true Accounting. He alſo taketh a Declaration of certain Receivers Accounts, and examineth the Letters and Sums of ſuch of the former Accountants as are brought unto him. The Fourth *Baron* is always a Curſitor of the Court, and hath been choſen of ſome one of the Clerks of the Remembrancers Offices, or of the Clerks of the Pipes Offices: He at the Day of Prefixion, takes Oath of all High-Sheriffs, and their Under-Sheriffs, and of all Eſcheators, Bailiffs, and other Accountants, for their true Accounting. He taketh the Oath of all Collectors, Controulers, Surveyors, and Searchers of the Cuſtom-Houſes, that they have made true Entrances in their Books. He appoſeth all Sheriffs upon their Summons in open Court: He informeth the Reſt of the *Barons* of the Courſe of the Court in any Matters concerning the King's Prerogative: He likewiſe, as the other *Barons*, taketh the Declaration of certain Receivers Accounts, and examineth the Letters and Sums of ſuch of the former Accountants as are brought unto him.

Theſe *Barons of the Exchequer* are ancient Officers, for I find them named, *Weſtm.* 2. *cap.* 11 *an.* 13 *E.* 1. and they be called *Barons*, becauſe *Barons* of the Realm were wont to be employed in that Office. *Fleta*, *lib.* 2. *cap.* 24. Sir *Tho. Smith* ſaith of them, That their Office is to look to the Accounts of the Prince, and to that End they have Auditors under them, as alſo to decide all Cauſes appertaining to the King's Profits, coming into the Exchequer by any Means. This is proved in Part by the Statutes of 20 *E.* 3. *cap.* 2. 27 *E.* 3. *Stat.* 2. *cap.* 18. 5 *R.* 2. *Stat.* 1. *cap.* 9, & 12, & 14 *R.* 2. 11. And hereupon they have of late been Men learned in the Common Laws of the Realm, whereas in ancient Time they were others, *viz. Majores & diſcretiores in Regno, ſive de Clero eſſent, ſive de Curia. Ockham* in his *Lucubrations*, *De Eſci Regii ratione. Horne's Mirror of Juſt.* ſaith, That the *Barons* were wont to be two, and they Knights. *Cap. de la place l'Eſcheker.*

There are alſo *Barons* of the Cinque-Ports; 31 *E.* 2. 3. 2. & 33 *H.* 8. *cap.* 10. which are two of every the ſeven Towns of *Haſtings*, *Winchelſea*, *Rye*, *Rumney*, *Hithe*, *Dover*, *Sandwich*, that have Places in the Lower Houſe of Parliament. *Cromp. Jur. fol.* 28.

Baron in the Third Signification, is uſed for the Husband in Relation to his Wife, which is ſo ordinary in all Law Books written in French, that it would be vain to mention any one.

The Chief Magiſtrates of *London* were alſo called *Barons*, before they had a Lord Mayor, as will appear by the City-Seal, as alſo by ſeveral ancient Charters, particularly one of *H.* 3. in theſe Words, *Henricus Rex. Sciatis nos conceſſiſſe & hac præſenti Charta noſtra confirmaſſe* Baronibus *noſtris de Civitate* London, *quod eligant ſibi* Mayor *de ſeipſis ſingulis annis*, &c. See *Spelman's Gloſſ.* at large upon this Word.

Barones regis were either of the King's Family, or thoſe who held their Lands immediately of him.

Baronet, *Baronettus*, Is a Dignity or Degree of Honour, and hath Precedency before *Banerets*, *Knights* of the *Bath*, and *Knights Batchelors*, excepting only ſuch *Banerets* as are made *ſub Vexillis Regiis in aperto Bello, & ipſo Rege perſonaliter præſente.*

This

This Order was erected by King *James*, 1611. as may appear in *Rot. Part.* 10. *Jac. Par* 10. *m.* 8. & 14 *Jac. Part.* 2. *m.* 24. with an *Habendum ſibi & Hæredibus maſculis.* Therefore we may believe, that where the Word *Baronets* is mentioned in our Old Statutes, and ancient Authors, it is Miſtaken for *Bauerets.* 2 *Inſt. fol.* 667. And *Selden's* Titles of Honour, *fol.* 736.

Barony, (*Baronia, Baronagium,*) Is that Honour that gives Title to a *Baron*, under which Notion are contained not only the Fees and Lands of Temporal *Barons*, but of Biſhops, who have two Eſtates, one as they are Spiritual Men, by Reaſon of their Spiritual Revenues and Promotions, as was the Tribe of *Levi* among the *Iſraelites*, being ſuſtained only by the Firſt-Fruits and Tenths of the other Tribes. *Joſh. cap.* 13. *ver.* 14. The other grew from the Bounty of our *Engliſh* Kings, whereby they have *Baronies* at the leaſt, and by that are Lords of Parliament. In ancient Times thirteen Knights Fees and a Quarter made up a Tenure *per Baroniam*, which amounted to 400 Marks *per annum.* This *Barony* (according to *Bract. lib.* 2. *cap.* 34.) is a Right inviſible, and therefore if an Inheritance be to be divided among Coparceners, though ſome capital Meſſuages may be divided, yet, *Si capitale Meſſuagium ſit caput Comitatus, vel caput* Baroniæ; he ſaith, They may not be parcelled. The Reaſon is, *Ne ſic caput per plures particulas dividatur, & plura Jura Comitatuum &* Baroniarum *deveniant ad nihilum, per quod deficiat regnum, quod ex Comitatibus &* Baroniis *dicitur eſſe conſtitutum.* There are other *Barons* which bear that Title to this Day, but are no *Barons* of Parliament. Such were thoſe conſtituted by *Hugh Lupus* Earl of *Cheſter*, in the County Palatine there; as the *Baron* of *Malpas*, the *Baron* of *Kinderton*, *&c.* The Manor of *Burford* in the County of *Salop* was found by Inquiſition *capt.* 40 *Ed.* 3. *teneri de Rege ad inveniendos* 5 *homines pro Exercitu Walliæ, & per ſervitium* Baroniæ, and the Lord thereof (Sir *Gilbert Cornwall*) is called *Baron* of *Burford*; but is no *Baron* of Parliament.

The *Baronies* belonging to Biſhops are, by ſome, called *Regalia*, becauſe *ex ſola liberalitate Regum eis olim conceſſa & a Regibus in feudum tenentur*; and thoſe Royalties did not conſiſt in one *Barony* alone, but in many; for *Tot erant* Baroniæ *quot majora prædia. Stubbs*, writing of the Archbiſhops of *York*, tells us, That *Rex iratus tres* Baronias *Archiepiſcopatui Eboracenſi ex antiquo collatas & eidem annexas ſeiſiri fecit.*

Barr, *Barra*, Cometh of the French (*Barre*) or *Barriere*, that is, *Repagulum, Obex, Vectis.* In the Legal Senſe it denotes a peremptory Exception againſt a Demand or Plaint, and is by the Author of the Terms of the Law ſaid to be ſuch a Plea, as is ſufficient to deſtroy the Action of the Plaintiff for ever: And is divided into a *Barr* to common Intendment, and a *Barr* Special, A *Barr* to common Intendment, is an Ordinary or General *Barr* that ordinarily diſableth the Declaration or Plea of the Plaintiff. A *Barr* Special, is that which is more than Ordinary, and falleth out in the Caſe in Hand, upon ſome Special Circumſtance of the Fact. *Plow. Com. Colthirſt's* Caſe, *fol.* 26. *a. b.* As for Example, An Executor being ſued for his Teſtator's Debt, pleaded, That he had no Goods left in his Hands at the Day the Writ was taken out againſt him: This is a good *Barr* to common Intendment, or (*prima facie*). But yet the Caſe may ſo fall out, that more Goods might fall to his Hands ſince that Time; which if the Plaintiff can ſhew by way of Replication, then except he have a more eſpecial Plea or *Barr* to be alledged, he is to be condemned in the Action. See alſo *Plow. in caſu ſupra citato fol.* 28. and *Bro.* Tit. *Barr, num.* 101. and *Kitchin, fol.* 215.

Barr alſo in the ſame Signification, is divided into *Barr* Material, and *Barr* at large. *Kitchin, fol.* 68. A *Barr* Material, as it ſeemeth, may be otherwiſe called a *Barr* Special: As when one in Stop of the Plaintiff's Action, pleadeth ſome particular Matter, as a Deſcent from him that was the undoubted Owner, a Feoffment made by the Anceſtor of the Plaintiff, or ſuch like. A *Barr* at large is, when the Tenant or Defendant, by way of Exception, doth not traverſe the Plaintiff's Title, by Pleading Not guilty, nor confeſs or avoid it, but only making to himſelf a Title in his *Barr.* As if in an *Aſſize of Novel Diſſeiſin*, the Tenant plead a Feoffment of a Stranger unto him, and gives but a Colour only to the Plaintiff; of this, there may be an Example found, 5 *H.* 7. *fol.* 29. *Barr* is alſo in regard of the Effect, divided into *Barr* perpetual, and *Barr pro tempore*: Perpetual is that, which overthroweth the Action for ever. *Barr pro tempore* is that, which is good for the Preſent, and may fail hereafter. See *Brook*, Tit. *Barr, nu.* 23. where he ſaith, That to plead *Plene adminiſtravit* is good, until it may appear, that more Goods came to the Executor's Hands afterwards: Which alſo holdeth for an Heir, that in an Action of his Anceſtor's Debts, pleadeth *Riens per deſcent.* This Word is alſo us'd for a Material *Barr*, as the Place where Serjeants at Law or Counſellors ſtand to plead Cauſes in Court, or Priſoners to anſwer to their Indictment; whence our Lawyers, who are called to the *Barr*, or licenſed to plead (in other Countries called *Licentiati*) are termed *Barraſters.* 24 *Hen.* 8. *c.* 24. See *Blank-Barr*,

Barra *Auri, vel Argenti*: A *Barr* of ſolid Metal.

Barraria, A Hedge or Fence for a *Barrier*, or Mound in Land——*dedimus quietantiam Fratribus S.* Johannis Jeruſalem, *de purpreſtura inter metas* Haiæ *de* Halewode, *in* Nottingham *ſita apud* Winkebiri, *de viis, acris & dimid. & de ſitu* Barrariæ *ſuæ, & de vaſti Communis boſci.*—— Cart. Ric. Reg. 1.

Barraſter (*Barraſterius, Repagularius Cauſidicus.*) See *Utter Barraſter.*

Barrator, or Barretor, (*Barrator*, French *Barateur*, a Deceiver;) is a common Mover or Maintainer of Suits, Quarrels or Parts either in Courts, or elſewhere in the Country; and is himſelf never quiet, but at Brawl with one or other, *Qui cum Terentiano Davo omnia perturbat*: To this Effect you may read *Lamb. Eiren, p.* 342. who ſaith alſo, That *Barator* may ſeem to be derived from the Latin *Barator*, or *Balatro*, that is, a vile Knave, or Unthrift; and by a Metaphor a Spot in a Common-wealth. See the Statute of *Champerty*, 33 *Ed.* 1. *Stat.* 2. *cap. unico*, and *Weſt.* 1. *c.* 32. *An.* 3 *E.* 1. Mr. *Skene de verb. ſignif.* Tit. *Barratry*, ſaith, That *Barrators* be Symoniſts, ſo called of the Italian Word *Barrataria*, ſignifying Corruption or Bribery in a Judge, giving a falſe Sentence for Money; whom you may read more at large, as alſo *Hortenſius Cavalcanus* in his *Tract. de Brachio Regio, p.* 5. *nu.* 66. See alſo *Egidius Boſſius in practica criminali*, Tit. *de Officialibus corrupt. &c.* nu. 2, & 6. & Co. lib. 8. fol. 36, 37.

Barrel, Is a Measure of Wine, Oil, &c. containing the eighth Part of a Tun, the Fourth of a Pipe, and the Second of a Hogshead, that is, thirty-one Gallons and an half. 1 *R.* 3. *cap.* 13. But this Vessel seemeth not to contain any certain Quantity, but differeth according to the Liquor: For a *Barrel* of Beer containeth thirty-six Gallons, and a *Barrel* of Ale but thirty-two. *Anno* 23 *H.* 8. *cap.* 4. and by 12 *Car.* 2. *cap.* 25. The said Assise of thirty-two Gallons of Wine-Measure, which is about twenty-eight Gallons of Old Standard, well packed, containing in every Barrel usually a Thousand full Herrings at least, is, and shall be taken for good, true, and lawful Assise of Herring Barrels. Anno 13 Eliz. c. 11.

Barriers, Cometh of the *French* Word *Barres*, and signifieth with us that which the *Frenchmen* call *Jeu de* Barres, *i. e. Palæstra*, a Martial Sport of Exercise of Men armed, and fighting together with short Swords, within certain *Bars* or Lists, whereby they are separated from the Spectators: It is well grown out of Use here in *England*.

Barrow, A large Hillock or Mount of Earth, raised or cast up in many, especially the Western Parts of *England*, which may seem to have been a Mark of the *Roman Tumuli*, or Sepulchres of the Dead. From the Saxon *Boerg*, a raised heap of Earth: Or rather from *Bearu*, *Beora*, which was commonly taken for a Grove or Toft of Trees on the Top of a Hill. See Mr. *Kennet*'s Glossary to Paroch. Antiq. in the Word *Barrow*.

Barter, May probably be derived from the French *Barater*, *Circumvenire*. It signifieth in our Books, Exchange of Wares for Wares. *An.* 1 *R.* 3. *cap.* 9. And so the Substantive *Bartry*, 13 *Eliz. cap.* 7. The Reason may be, because they that chop and change in this Manner, do endeavour for the most Part, one to over-reach and circumvent the other.

Barton, Is a Term used in *Devonshire*, and other Parts, for the Demesne Lands of a Manor; sometimes for the Manor-House it self; and in some Places for Out-houses and Fold-Yards. In the Stat. 2. and 3 *E.* 6. *cap.* 12. *Barton* Lands and Demesne Lands, are used as Synonyma's. See *Berton*.

Bas Chevaliers, Low or inferior Knights by Tenure of a bare Military Fee, as distinguished from Baronets and Banerets, who where the Chief or Superior Knights. Hence we now call our bare simple Knights, inferior to Baronets, &c. Knight-Bachelors, *i. e. Bas Chevaliers*, which in all Likelihood gave Name to the Academical Degree of *Bachelors*, as a Quality lower than that of Masters and Doctors. So in *France* they call the Suburbs the *basse Ville*, or the inferior Town. See Mr. *Kennet*'s Glossary to Paroch. Antiq. *in voce*.

Basardi, *Qu.* whether Pattens, or Clogs, or Slop-shoes, —— *Inter Injunctiones* Philippi Repingdon *Episcopi* Lincoln. *datas Vicariis, Ludimagistris, &c. An.* 1410. —— *Item quod dicti Vicarii & Clerici quicunq; & præcipue cum fuerint revestiti, inhonestis togis suis cum longis manicis, quæ vulgariter* Pokes *nominantur, non utantur* —— *ac etiam* basardos *& calapodia deponant, quæ in Ecclesia strepitum faciunt & generant malum sonum.* Reg. Repingdon Episc. Linc.

Base Court, Is any inferior *Court*, that is not of Record, as the *Court-Baron*, &c. Of this read *Kitchin*, *fol.* 95, 96, &c.

Base Fee. Vide *Bas Estate*.

Base Estate, Is in true French *Bas Estat*. It signifies that *Estate* which *Base* Tenants have in their Land. Now *Base* Tenants, be they (according to *Lambard*, in his Explication of Saxon Words, *verb. Paganus*,) which perform to their Lords Services in Villenage. The Author of the Terms of the Law, saith, That to hold in Fee *Base*, is to hold at the Will of the Lord. *Kitchin*, *fol.* 41. makes *Base* Tenure and Franck Tenure, to be Contraries, and puts Copyholders in the Number of *Base* Tenants; whence it may probably be conjectured, that every *Base* Tenant holdeth at the Will of the Lord, but yet that there is a Difference between a *Base Estate*, and Villenage; which *Fitzh.* in his *Nat. Brev. fol.* 12. seemeth to intermingle. For to hold in Villenage, is to do all that the Lord will command. So that a Copyholder hath but a *Base Estate*; not holding by doing every Commandment of his Lord, he cannot be said to hold in Villenage. And I will not undertake to determine, whether Copyholders by Custom, and Continuance of Time, have shaken off that extream Servitude, wherein they were at first created, altho' *Fitz. loco citato*, saith, Tenure by Copy hath grown but of late Years.

Basels (*Baselli*) a Sort of Coin abolished by *Hen.* 2. *Anno* 1158. *This Year the King altered his Coin, abrogating certain Pieces called* Basels. *Hollinsh. pag.* 67.

Baselard, or **Basillard**, in the Stat. 12 *R.* 2. *cap.* 6. signifies a Weapon; which Mr. *Squeight*, in his Exposition upon *Chaucer*, calls *Pugionem vel sicam*, A Poniard; *Arrepto* Basillardo *transfixit Jack Straw in gutture.* Knighton, lib. 5. *Cum alio* Basillardo *penetravit latera ejus.* Idem, pag. 2731.

Baselers, *A. D.* 1180. *Nova Moneta currit in Anglia post* Baselers, *circa Festum Sancti* Martini. Annal. Waverl. sub Anno 1180.

Basileus, *i. e.* a King. 'Tis mentioned in several of our Historians, and seems peculiar to the Kings of *England*. *Monasticon*, *Tom.* 1. *pag.* 65. *Ego Edgar totius Angliæ* Basileus *confirmavi.* So in *Page* 84, 93, 102, 140, 218, 236. and 2 *Tom. pa.* 838, 840, 841. *Flor. Worcest. pag.* 617. *Ingulphus. pa.* 884. *Malmes.* 58. *Mat. Paris.* 156, 157. *Hovedon*, *p.* 426, 435.

Basnetum, A *Basnet*, or Helmet. By Inqu. 22 *Ed.* 3. after the Death of *Laurence de Hastings* Earl of *Pembroke* thus: —— *Quod quidem manerium* (*i. e.* Aston Cantloue) *per se tenetur de Domino Rege in capite per servitium inveniendi unum hominem peditem cum arcu sine chorda, cum uno* basneto, *sive cappa per xl dies sumptibus suis propriis, quotiens fuerit guerra in* Wallia.

Bassa Tenura, *Base Tenure*, or holding by Villenage or other Customary Service, as distinguisht from *Alta Tenura*, the Higher Tenure *in Capite*, or by Military Service, &c. *Manerium de* Cheping Farendon, *cum pertinentiis, est de antiquo dominico coronæ Domini Regis, unde omnia prædicta tenementa sunt parcella, & de* bassa tenura *ejusdem manerii.* Consuetud. Domus de Farendon, MS. f. 44.

Basse, A Collar for Cart-Horses, made of Straw, Sedge, Rushes, &c. *A. D.* 1425. The *Bursars* of the Priory of *Burcester Com. Oxon.* account —— *in tribus coleris, uno* basse, *cum tribus capistris v. fol. x. den. ob.* Paroch. Antiquities, p. 574. Hence the *Basse* for kneeling in Churches.

Baſſinet a Skin with which the Soldiers covered themſelves; from the Saxon, *Baſang*, *Chlamys*.

Baſtard, *Baſtardus*, From the Britiſh *Baſtard*, that is *Nothus* or *Spurius*; Is one that is born of any Woman not married; ſo that his Father is not known by Order of Law, and therefore is called *Filius Populi*, the Child of the People.

Cui pater eſt populus, pater eſt ſibi nullus & omnis:
Cui pater eſt populus, non habet ipſe patrem.

The Learned *Spelman* very rationally derives the opprobrious Name of *Baſtard*, from the Norman *bas*, and Saxon *Steort*, Riſe or Original; as a Perſon of a baſe and vile Extract. The like Termination and Senſe remain in *Upſtart*, a Fellow of a new and late Riſe. Such *Baſtard* cannot inherit Land, as Heir to his Father, nor can any but the Heir of his Body take Land as his Heir. *Littleton, ſect.* 401. If a Child be begotten by him that marries the Mother after the Child's Birth, yet it is in the Judgment of Law a *Baſtard*, tho' the Church holds it legitimate. *Stat.* 20 *H.* 3. 9. and 1 *H.* 6. 3. *Co.* on *Lit.* 244. If a Man take a Wife who is great with Child by another, who was not her Husband; yet the Child, tho' born but one Day after the Marriage, ſhall be Heir to the Husband. So if one marry a Woman, and never bed her, but die before Night, and ſhe have a Child after, yet it ſeems he ſhall be accounted his Child, and legitimate. See the *Engliſh Lawyer*, 117. If a Man or Woman marry a ſecond Wife or Husband, the firſt Living, and by that ſecond have Iſſue, ſuch Iſſue is a *Baſtard*. 39 *E.* 3. 14. 7 *H.* 4. 49. 18 *E.* 4. 26. If a Woman elope with a Stranger, and hath a Child by him, yet if the Husband be *infra quatuor Maria*, he is legitimate, and ſhall inherit the Husband's Lands. 44 *Ed.* 3. 10. 7 *H.* 4. 10. For the Puniſhment of the Mother and reputed Father of a *Baſtard*, ſee 18 *Eliz. cap.* 3. He that gets a *Baſtard* in the Hundred of *Middleton* in the County of *Kent*, forfeits all his Goods and Chattels to the King. *M. S. de temp. Ed.* 3. Before the Stat. 2 & 3 *Ed.* 6. *cap.* 21. one was adjudged a *Baſtard quia filius ſacerdotis. Plac. de temp. Joh. Regis*, Lincoln 22.

Baſtard, *Barſtardium*, ſignifies likewiſe a Kind of Weapon. *Abſque armis, gladiis* & barſtardiis, &c. *Clauſ.* 17 *R.* 2. *dorſo*,

Baſtardy, (*Barſtardia*) Cometh of the French Word *Baſtard*, and ſignifies a Defect of Birth, objected to one begotten out of Wedlock. *Bract. lib.* 5. *cap.* 19. How *Baſtardy* is to be proved, or enquired into, if it be pleaded; ſee *Raſtal's Entries*, Tit. *Baſtardy*, 104. and *Kitchin*, *fol.* 64. who mentions *Barſtardy Special*, and *Baſtardy General*: *Baſtardy General* is a Certificate from the Biſhop of the Dioceſe to the King's Juſtices, after juſt Enquiry made, that the Party enquired of is a *Baſtard*, or not a *Baſtard*, upon ſome Queſtion of Inheritance. *Baſtardy Special* is a Suit commenced in the King's Court, againſt him that calleth another *Baſtard*; ſo termed, becauſe *Baſtardy* is the principal and Special Caſe in Trial, and no Inheritance contended for. And by this it appeareth, that in both theſe Significations *Baſtardy* is rather taken for Examination or Trial, whether a Man's Birth be legitimate or not, than for *Baſtardy* it ſelf. See *Bro.* Tit. *Baſtardy, n.* 29. and Dr. *Ridly's* Book *pag.* 203, 204.

Baſton, Is a French Word ſignifying a Staff or Club, and by the Statutes of our Realm, denotes one of the Wardens of the *Fleet's* Servants or Officers, that attendeth the King's Court with a painted Staff, for the taking into Cuſtody ſuch as are committed by the Court; and ſo it is uſed in 1 *R.* 2. 12. 5 *Eliz. cap.* 23. See *Trayle Baſton*, and *Tipſtaff*.

Baſus. *Per* baſum *tolnetum capere*, To take Toll by Strike, and not by Heap; *per* baſum being oppoſed to *in cumulo vel cantello*. —— *Tolnetus ad molendinum ſit ſecundum conſuetudinem regni* —— *menſuræ per quas tolnetus capi debet ſint concordantes menſuris Domini Regis, & capiatur* tolnetus *per* baſum, & *nichil in cumulo vel cantello*,——Conſuetud. Domus de Farendon, MS. fol. 42.

Batable Ground, Was the Land lying between *England* and *Scotland*, heretofore, when the Kingdoms were diſtinct, in Queſtion to whom it belonged. 23 *H.* 8. 6. and 32 *H.* 8. 6. The Word ſeems as if we ſhould ſay *Debatable Ground*, or Land about which there is Debate, according to the Opinion of *Skene*. See *Lamb. Brit.* Tit. *Cumberland*.

Bath, called by the Britons *Badiza*, and *Aqua ſolis* by the Saxons. See *Aqua ſolis, Acemannes Ceaſter, Bathan-ceſter, Bathon.* Lat. *Acemanni Civitas, i. e.* the City of ſick Men who reſort thither. Now called *Bath*, in *Somerſetſhire*.

Batitoria, *i. e.* a Fulling-Mill. 'Tis mentioned in the Monaſt. 2 *Tom. p.* 832. viz. *Uſque ad ſtagnum molendini ipſius Willielmi cum* Buttorio, (for *Batitorio*) & *a gardino ſuo ubique*, &c.

Batſwaine, Sax. *Bat*, a *Boat*, and *Swaine* a Servant; a Mariner, or *Boatſwain. Domeſday*.

Battel, *Duellum*, Signifies in our Common Law a Trial by Combat: The Manner whereof, becauſe it is long, full of Ceremonies, and now totally diſuſed, the better to underſtand, I refer you to *Glanvile, lib.* 2. *cap.* 3, 4, 5. *Bract. lib.* 3. *tract.* 2. *c.* 21. *fol.* 140. *Brit. c.* 22. And Sir *Tho. Smith de Rep. Ang. lib.* 2. *c.* 7. & *lib.* 2. *cap.* 3. See *Combat*.

Battery, (from the French *Batre*, to ſtrike, or the Saxon *Batte*, a Club,) is a violent Striking or Beating any Man; for which, in regard it tends to the Breach of the Peace, the Party injur'd may either indict the other at the Seſſions, or have his Action of Treſpaſs of *Aſſault* and *Battery* againſt him, and recover what the Jury will give him; which Action will lie as well before as after the Indictment. But if the Plaintiff made the firſt Aſſault, the Defendant ſhall be quit, and the Plaintiff ſhall be amerced to the King for his falſe Suit. In ſome Caſes a Man may juſtify the moderate Beating of another, as the Parent his Child, the Maſter his Servant or Apprentice, &c. This *Battery* the Civilians call *Injuriam perſonalem, quia perſonæ infertur per verbera*, &c. *Weſemb. par.* 2 *de injur.* & *fam. libell.*

Battle, *Batellus*, A little Boat. In the Reign of *Edw.* III. every great Ship landing at *Billingſgate* in *London*, paid for Standage two Pence; every little Ship with Orelocks, a Penny: The leſſer Boat, called a *Battle*, a Half-penny. See *Stow's Survey of Lond. f.* 225.

Batus, A *Boat*, and *Batellus*, a little *Boat*. *Conceſſit etiam eidem* Hugo Wake, &c. *quod Præd. Abbas*, &c. *de* Croyland *habeant tres* Batellos *in* Harnolt, &c. Cart. E. 1. 20 Jul. 18. Regni. See *Libera Batella*. Hence we have an old Word *Batſweynes*, for ſuch as now we call *Boatſwains*,

vulgarly the *Boſon of a Ship*. It is a very frivolous Conjecture of Dr. *Skinner*, —— *Neſcio an noſtrum* Boat *ortum ſit a Teutonico* Bott, *Nuncius, q. d. Cymba internuntia claſſis.* It is more certain the Latin *Batus*, Hiſp. *Batel*, Ital. *Batello*, came from the Saxon *Bat.* and that from the old Brit. *Bâd*, which in preſent *Welſh* and *Iriſh* is a *Boat.* Hence a *Bottom*, which is ſtill a common Word for a marine Veſſel: Whence *Bottomry*, when the Maſter of a Ship borrows Money upon the Credit of his *Bottom.*

Baubels, (*Baubella*) Is an old Word ſignifying *Jewels. Ro. Hoveden. part. poſter. ſuor. Annal. f.* 449. *b. Tres partes theſauri ſui & omnia* Baubella *ſua amiſit.*

Baudekyn, Cloth of Gold, or Tiſſue upon which Figures in Silk, &c. were imbroidered. — *In die S. Johannis Evangeliſtæ* (*Anno* 1285.) Antoni us *Epiſcopus* Dunelm. *Eccleſiam ingreſſus duas* Baudekyns *hiſtoriam Nativitatis Dominicæ continentes obtulit, & eas ad ornandum magnum Altare in Feſto Natalitii aſſignavit.* Hiſt. Dunelm. apud Whartoni Ang. Sacr. Par. 1. p. 747. Baldicum & Baldekimon, *anno* 4 *Hen.* 8. *cap.* 6. *erat pannus auro rigidus, plumatoque opere intertextus.* Yet ſome Authors account it Cloth of Silk only.

Bay or *Pen*, Is a Pond-head, made up of a great Height to keep in Store of Water, ſo that the Wheels of the Furnace, or Hammer belonging to an Iron Mill, may be driven by the Water coming thence through a Paſſage or Flood-gate, called the *Penſtock.* Alſo a Harbour where Ships ride at Sea near ſome Port. The Word is mentioned *An.* 27 *Eliz. cap.* 19. *Buchan.* in his *Hiſt. Scot. fol.* 7. writes it *Bei*, and expounds it by *Sinus Maris.*

Beacon, A kind of Saxon Word betokening a Signal: It is well known. 8 *El. cap.* 13. *Beaconage* (*Beaconagium*) Money paid towards the Maintenance of a *Beacon*, and we ſtill uſe the Word to *Becken*, to give Notice unto. See the Stat. 5 *H.* 4. and *Dorſ. Pat.* 28 *H.* 6. *part.* 2. *m.* 21. *Pro Signis, Anglice* Beacons, & Vigiliis. And *Pryn's Animad.* on 4 *Inſt. f.* 134, and 135. See *Firebare.*

Bead, or **Bede**, (Sax. *Bead*, *Oratio*). So that to ſay *Our Beads*, is to ſay *Our Prayers.* They were moſt in Uſe before Printing, when poor People could not go to the Charge of a manuſcript Prayer-Book. Theſe are mentioned in 27 *H.* 2. *c.* 26. and 3 *Jac. c.* 5.

Beam is that Part of the Head of a Stag where the Horns grow; from the Sax. *Beam, i. e. Arbor*; becauſe they grow out of the Head as Branches out of a Tree.

Bearding, alias **Barding**, of Wooll. See *Clack.*

Bearers, — Juſtices of Aſſize ſhall enquire, hear, and determine of Maintenors, Bearors, and Conſpirators, and of thoſe that commit Champarty, &c. *Anno* 4 *Ed.* 3. *cap.* 11. Such as *bear* down or oppreſs others; *Maintainers.*

Beaſts of the Foreſt, (*Feræ ſylveſtres*) Are thoſe that are otherwiſe called *Beaſts* of Venery, and are five: The Hart, the Hind, the Hare, the Boar, and the Wolf: *Antiquitas Britanniæ*, written before the Conqueſt, *fol.* 43. *Holinſh.* Deſcription of *England, p.* 206. *b.* 30. Book of St. *Albans, f.* 30. *Budæus, lib.* 2. *de Philologia*, and divers others.

Beaſts of Chaſe, (*Feræ campeſtres*) Alſo are five; *viz.* The Buck, the Doe, the Fox, the Martern, and Roe. *Manwood's* Foreſt Law. *Part.* 2. *cap.* 4. *num.* 2.

Beaſts and Fowl of Warren, Are only theſe, the Hare, the Coney, the Pheaſant, and the Partridge, as appears by the Regiſter of Writs. *f.* 95. *in brevi de tranſgreſſione*, F. N. B. *fol.* 86, 87. *Co.* on *Lit.* 233.

Beaſtials. See *Beſtials.*

Beaupleader, (*Pulchre Placitando*) Is made of two French Words *Beau, Formoſus, Pulcher*, and *Plaider, Diſputare, Cauſum agere*; and ſignifies in Common Law a Writ upon the Statute of *Marlbridge*, 52 *H.* 3. *c.* 11. whereby it is provided, That neither in the Circuit of Juſtices, nor in Counties, Hundreds, or Court-Barons, any Fines ſhall be taken of any Man for *Fair Pleading*, that is, for not pleading fair, or aptly to the Purpoſe; upon which Statute this Writ was ordained, againſt thoſe that violate the Law herein. See *F. N. B. fol.* 270. whoſe Definition is to this Effect: The Writ upon the Statute of *Marlbridge*, for not *Fair Pleading*, lieth where the Sheriff, or other Bailiff, in his Court, will take Fine of the Party, Plaintiff or Defendant, for that he pleadeth not fairly. And it was as well in reſpect of the vicious *Pleadings*, as of the *Fair Pleadings*, by way of Amendment. 2 *Part, Inſt. fol.* 122.

Bed-ale, or *Bid-ale*, Was a friendly Aſſignation made for Neighbours to meet, and drink at the Houſe of new married Perſons, or other poor People, and then for the Gueſts to contribute to the Houſekeepers. See *Bidale.*

Bedel, *Bedellus*, Is derived from the French Word *Bedeau*, which ſignifies a Meſſenger, or Apparitor of a Court, that cites Men to appear, and anſwer. It is alſo an inferior Officer of a Pariſh or Liberty, well known in *London* and the Suburbs. *Manwood* in his Foreſt-Laws, *cap.* 21. ſaith, That a *Beadle* is an Officer or Servant of the Foreſt, that doth make all Manner of Garniſhments for the Courts of the Foreſt; and alſo all manner of Proclamations, as well within the Courts of the Foreſt as without, and alſo to execute all the Proceſs of the Foreſt: He is like unto a Bailiff Errant of a Sheriff in his County. *Edgarus interdicit omnibus Miniſtris, id eſt, Vicecomitibus*, Bedellis, & *Balivis in patria Girvirum*, —— *ne introeant fines & limites dicti mariſci.* Ingulph. Hiſt. Croyl. The Word *Bedel*, properly a Crier, was Sax. *Bydel* from *Bydde*, to publiſh or declare: As to *bid* and *forbid* the Banns of Matrimony, *bidding* of Prayers, &c. Hence the Univerſity *Bedels*, the *Bedel* of Beggars; the Church *Bedels*, which we now call Summoners and Apparitors.

Bede-houſe, An Hoſpital, or *Alms-houſe* for *Bedes-men*, or poor People, who prayed for their Founders and Benefactors, from Sax. *Biddan*, to Pray.

Bedelary, *Bedelaria*, is the ſame to a *Bedel*, as *Baliva*, a Baliwick, is to a Bailiff. *Litt. lib.* 3. *c.* 5. *Will. filius Adæ tenuit* Bedelariam *Hundredi de Macclesfield*, &c. *Ex Rot. Antiq.*

Bederepe, or **Bidrepe** (from the Sax. *biddan* to entreat or pray, and *repe*, to reap Corn.) This Cuſtomary Service of inferior Tenants, was call'd in the Latin of that Age, *Precaria, bedrepium*, &c. Signifying a Service, which ſome Tenants were anciently bound to perform, as to reap their Landlords Corn in Harveſt, in Imitation of which, ſome are yet tied to give one, two, or more Days-work, when commanded, called in ſome Places, *Boon-days. Debent venire in Autumno ad precariam quæ vocatur* a le Bederepe, *Pla. in Craſt. Pur.* 10 *H.* 3. *Rot.* 8. See *Magna Precaria* and *Pricaria.*

Bedewери are those which we now call *Banaiti*, profligate and excommunicated Persons. The Word is mentioned in *Mat. Pariſ. Anno* 1258. *Sicque facta eſt pax diſperſis prædonibus quos* Bedeweros *vocant.*

Belerium, the ſame with *Antiveſtæum.*

Belgæ *i. e.* the Inhabitants of *Somerſetſhire*, *Wiltſhire*, and *Hampſhire.*

Bellſama fluvius, *Rhebel*, in *Lancaſhire.*

Bellum, The old cuſtomory way of Trial by Arms, Duel, or Combat. See *Camp-fight.*

Belundita, for Bidowita, *i. e.* an Amerciament for ſhedding Blood. *Leg. H.* 1. *c. ult. Qui vulnus alicui faciet, in cooperto, in nudo, pro ſingulis unciis* 10 *denar. & remaneat de cæteris ictibus &* belunditis, *& vita domino decidat, ſi ſanguis decidat.*

Benefice, *Beneficium*, Is generally taken for all Eccleſiaſtical Livings, be they Dignities, or other. And *Anno* 13 *R.* 2. *Stat.* 2. *cap.* 8. *Benefices* are divided into Elective, and of Gift. In the ſame Senſe it is uſed alſo in the Canon Law. *Duarenius de* Beneficiis, *lib.* 2. *c.* 3. The Portions of Land, and other immoveable Things, granted by the Lords to their Followers, for their Stipend or Maintenance, were at firſt called *Munera*, while revocable at the pure Pleaſure of the Lord: They were after called *Beneficia*, while Temporary, or held for ſome limited Time, which was commonly one Year. But when by Degrees theſe Tenures from an arbitrary Condition became perpetual and hereditary, then they left their former Name of *Beneficia* to the Livings of the Clergy, (they being Temporary for Term of Life) and retained to themſelves the proper Names of *Feuds*, whereby they were produced to perpetual and hereditary. *Vid. Spelman* of *Feuds*, *cap.* 2.

Beneficio vsimo eccleſiaſtico habendo, Is a Writ directed from the King to the Chancellor or Lord Keeper, to beſtow the *Benefice* that firſt ſhall fall in the King's Gift, above or under ſuch a Value, upon this or that Man. *Reg. Orig. fol.* 307. *b.*

Beneficium was an Eſtate in Land at firſt granted for Life; and it was called *Beneficium*, becauſe it was held *ex mero Beneficio* of the Donor. Theſe Tenants were bound to ſwear Fealty to the Donor, and to ſerve him in the Wars: They were only Uſufructuaries at firſt, and no more; and moſt commonly ſuch Eſtates were given to military Men, that they might be more firmly bound to perform Military Services. At length, by the Conſent of the Donor or his Heirs, theſe Eſtates were continued to the Poſterity of the Donee, ſubject to the ſame Services as before. And thoſe which were given by Kings, were called *Regalia Beneficia.* But ſometimes ſuch *Benefices* were given to Biſhops and Abbots, ſubject alſo to the like Services, *viz.* to provide Men to ſerve in the Wars; and when they, as well as the Laity, had obtained a Property in theſe Lands, they were called *Regalia*, which upon the Death of a Biſhop returned to the King till another was choſen. Thus we read in *Randulphus de Diceto*, *Anno* 1093. *viz.* That *W.* 2. commanded that the City of *Canterbury*, which Archbiſhop *Lanfranck* held of him *in Beneficio*, and that the Abbey of St. *Albans*, which was enjoyed by him and his Predeceſſors, ſhould for the Future be held by Archbiſhop *Anſelme in Alodium Eccleſiæ Cantuariæ perpetuo jure.* And thus began Feodatary Eſtates, which we now call Fee-ſimple.

Benefit of the Clergy. See *Clergy.*

Benereth, Was a Service which the Tenant rendred to his Lord, with his Plough and Cart. *Lamb. Itin. p.* 412. and *Coke* on *Littleton*, *p.* 86. *a.* Sometimes called *Benryrden*, and *Beryrden.*

Benevolence, *Benevolentia*, is uſed both in the Chronicles and Statutes of this Realm, for a voluntary Gratuity given by the Subjects to the King. *Stow's Annals*, *pag.* 701. By the Statute *Anno* 1 *R.* 3. *cap.* 2. it is called a new Impoſition, and in that reſpect found Fault with. But *Stow. p.* 791. ſaith, The Invention grew firſt from *Edward* the Fourth's Days: You may find it alſo *An.* 11 *H.* 7. *c.* 10. to have been yielded to that worthy Prince, in regard of his great Expences in Wars and otherwiſe: See *Coke's* 12 *Rep. fol.* 119, 120 It is alſo mentioned, and excepted out of the Pardon, 1 *E.* 6. *cap.* 15. Other Nations call it *Subſidium Charitativum*, given ſometimes to Lords of the Fee by their Tenants, ſometimes to Biſhops by their Clergy. *Matthæus de afflictis deſcis*, 136. *Caſſan. de conſuet. Burg. p.* 134, 136. *Baldus, conſitio*, 120. *vel.* 6. *p.* 230. Of this *Menochius* makes Mention, *lib.* 2. *cent.* 2. *cap.* 178, and 179. Alſo by Act of Parliament, 13 *Car.* 2. *cap.* 4 it was given to King *Charles* the Second.

Benevolentia Regis habenda, The Form in ancient Fines and Submiſſions to purchaſe the King's Pardon and Favour, in order to be reſtor'd to Eſtate, Title or Place. —— Thomas de S. Walerico *dat Regi mille marcas, pro habenda* Benevolentia *Regis, & pro habendis terris ſuis unde Diſſeiſitus fuit.* Paroch. Antiquities, *p.* 172.

Benones. High-Croſs.

Benrip, *Tenentes de Whitborn in Com. Hereſ. debent pro quadam conſuetudine quæ vocatur* Benrip, *viz. pro quinque operationibus in Termino Beati Michaelis*, 5*d. Lib. niger Hereſ.* See *Bedrepe.*

Berbicage, (*Berbiagium*) *Nativi Tenentes Manerii de Caliſtoke reddunt per an. de certo redditu vocat.* Berbicage, *ad le Hokeday* 19 *s. M. S.* Survey of the Dutchy of *Cornwal.*

Berbicaria, a Sheep-Down, or Ground to feed Sheep. *Leges Aluredi*, *cap.* 9. *Et quod de* Berbicaria, *&c.* Sometimes 'tis written *Bercheria*, as in *Mon. Angl. Tom.* 1. *pag.* 308.

Bercaria, *Berqueria*, *Berceria*, a Sheep-fold, Sheep-cote, or Sheep-pen, or other Encloſure for the ſafe keeping of Sheep. Abbreviated from *Barbicaria*, from *Berbex*, detorted from *Vervex.* Hence the Middle-aged Latin *Berbicus*, a Ram, *Berbica*, an Ewe; *Caro Berbecina*, Mutton. *Berbicarius*, *Bercarius*, Fr. *Berger*, a Shepherd. *A. D.* 1218. *James le Bret* of *Brigenhall*, gave four ſhort Ridges or Butts of Land to the Priory of *Burceſtor*, —— *ad faciendam* Berkeriam, *ſve quicquid eis melius placuerit.*——Paroch. Antiq. p. 187. *John de Charlton*, and *Chriſtian* his Wife, gave to the Abbey of *Oſeney*, a Piece of Land in *Hokenorton*, upon which ſtood the *Berchery* of *Sutton*, *Ibid. p.* 348. In *Domeſday* Book it is written *Berqueria. Co.* 2 *Inſt. fol.* 476. *Mandatum eſt Roberto de Lexington, quod Abbati de Miraval faciat unam* Bercariam *in paſtura de Fairfield ad oves cuſtodiendas. Clauſ.* 9 *H.* 3. *m.* 12. *Dedit ſexaginta acras terræ ad unam* Bercariam *faciendam. Mon. Angl. tom.* 2. *fol.* 599. where it ſeems to ſignify a Sheep-walk or Paſture.

Berefellarii, *i. e. Permerdati.* There were ſeven Churchmen, ſo called anciently, belonging to the Church of St. *John* of *Beverley.*——*Sed quia eorum turpe nomen* Berefelliorum *patens ritui remanebat, dictes ſeptem de cætero non* Berefellarios,

ſed Perſonas volumus nuncupari. Pat. 21 Ric. 2. par. 3. m. 10. per Inſpex.

Berefreit, or **Berefreed**, a great wooden Tower. *Videns autem Rex ſe non ut diſpoſuerat proficere, ligneam turrim, quam* Berefreit *vocant, erexit.* Simeon Dunelm. *anno* 1123.

Beregafol, *i. e.* a Tribute of Barley; from the Sax. *Bere, hordeum*, and *Gafol, tributum.*

Berewicha; *Iſtæ ſunt* Berewichæ *ejuſdem manerii. Domeſday.* Villages or Hamlets belonging to a Manor. See *Berwica.*

Berewis. See *Berwica.*

Berghmaſter, vulgarly **Barmaſter** and **Barmer** (from the Sax. *berg, Mons*; *quaſi, Maſter* of the Mountain) *Præfectus ſeu Curator fodinæ.* A Bailiff or chief Officer among our *Derbyſhire Miners*, who among other Parts of his Office, does alſo exeeute that of *Coroner* among them.——*Juratores dicunt, quod in principio quando Mineratores veniunt in campum mineras quærentes, inventa minera, venient ad Balivum qui dicitur* Berghmaſter, *& petent ab eo duas Metas, ſi ſit in novo campo, & habebunt unam, ſcil. pro inventione, & aliam de jure Mineratorum, & unaquæque meta continet quatuor Perticatas, & ad foveam ſuam ſeptem pedes, & unaquæque Perticata erit de* 24 *pedibus, &c.* Eſc. de An. 16 E. 1. num. 34. See *Bergmoth*, and Sir *J. Pettus* his *Fodinæ Regales.* The *Germans* call a Mountaneer, or Miner, a **Bergman.**

Bergmoth or **Berghmote**, vulgarly **Barmote.** ——*Juratores dicunt etiam quod Placita del* Bergmoth *debent teneri de tribus ſeptimanis in tres ſeptimanas ſuper mineram in Pecco.* Eſc. 16 Ed. 1. *ut ſupra.* This Bergmoth or Berghmote, comes from the Saxon *berg, i. e. Mons*, and *mote* or *gemote, conventus*: *Quaſi*, the Court held upon a Hill, for deciding Pleas and Controverſies among the *Derbyſhire* Miners; of which, thus Mr. *Manlove*, in his ingenious Treatiſe of their Cuſtoms.

——*And Sute for* Oar *muſt be in* Berghmote Court,
3 Edw. 6. *Thither for Juſtice* Miners muſt *reſort*:
Art. 9. *If they ſuch Sutes in other Courts commence,*
3 & 4 Ph. & Ma. Art. 16. *They loſe their due* Oar-debt, *for ſuch Offence*; *And muſt pay Coſts*; *becauſe they did proceed Againſt their Cuſtom*: Miners *all take heed.*
3 Ed. 6. Art. 20. *No Man may ſell his* Grove, *that's in conteſt, Till Sute be ended*; *after the* Arreſt
3 & 4 Ph. & Ma. Art. 26. *The Seller's* Grove *is loſt by ſuch Offence, The Buyer fined, for ſuch Maintenance.*
16 Ed. 1. c. 2. *And two great Courts of* Berghmote *ought to be*
3 Ed. 6. Art. 10. *In every Year upon the* Minery, *To puniſh* Miners *that tranſgreſs the Law,*
3 & 4 Ph. & Ma. Art. 19, 30, & 33. *To curb Offenders, and to keep in aw Such as be* Cavers, *or do rob Mens* Coes; *Such as be* Pilferers, *or do ſteal Mens* Stows; *To order* Grovers, *make them pay their Part, Join with their Fellows, or their* Groves deſert; *To fine ſuch* Miners, *as Mens* Groves *abuſe, And ſuch as Orders to obſerve refuſe*;
3 & 4 Ph. & Ma. Art. 31. *Or work their* Meers *beyond their Length and* Stake; *Or otherwiſe the* Mine *and* Rake; *Or ſet their* Stows *upon their Neighbour's Ground, Againſt the Cuſtom, or exceed their Bound:*
Ibid. Art. 4, 3. *Or Purchaſers, that* Miners *from their way To their* Waſh-troughs *do either ſtop or ſtay*; *Or dig or delve in any Man's* Bing-place;
26 Edw. 1. cap. 2. *Or do his* Stows *throw off, break, or deface*; *To fine Offenders, that do break the Peace,*
3 & 4 Ph. & Ma. Art. 28. *Or ſhed Man's Blood, or any Tumults raiſe*; *Or Weapons bear upon the* Mine *or* Rake; *Or that Poſſeſſion forcibly do take*; *Or that diſturb the Court, the Court may fine For their Contempts (by Cuſtom of the* Mine) *And likewiſe ſuch as diſpoſſeſſed be, And yet ſet* Stows *againſt Authority*; *Or upon leave their* Shafts, *or* Groves, *or* Holes, *By which Men loſe their Cattle, Sheep, or* Soules. *And to lay* Pains, *that Grievance be redreſt, To eaſe the Burdens of poor Men oppreſt. To ſwear* Berghmaſters, *that they faithfully Perform their Duties on the* Minery; *And make Arreſts, and eke impartially Impanel* Jurors, *Cauſes for to try*; *And ſee that Right be done from Time to Time Both to the Lord, and Farmers on the* Mine.

Beria, *Berra, Berie, Berry.* Moſt of our Gloſſographers in the Names of Places, have confounded the Termination of *Berie*, with that of *Bury*, and *Borough*, as if the Appellative of ancient Towns. Whereas the true Senſe of the Word *Beria, Eng. Berie*, is a flat wide Campagne, as from ſufficient Authorities is proved, by the Learned *Du Freſne* in his Gloſſary, *in voce Beria*, and in his Notes on the Life of St. *Lewis, p.* 89. where he obſerves, That *Beria Sancti Edmundi*,

mention'd by *Mat. Pariſ. ſub. an.* 1174. is not to be taken for the Town, but for the adjoining Plain. To theſe and other his Remarks on that Word, may be added, That many flat and wide Meads, and other open Grounds, are ſtill called by the Name of *Beries*, and *Berie-fields*. So the ſpacious Mead between *Oxford* and *Iſley*, was in the Reign of King *Athelſtan* called *Bery*. B. *Twine*, *MS. c.* 2. *pag.* 253. As now the largeſt Paſture-Ground in *Quarendon*, *Com. Buck.* is known by the Name *Bery-Field*. And ſuch indeed were the *Berie Meadows*, which tho' Sir *Henry Spelman* interprets to be the Demeſne-Meadows, or Manor-Meadows, yet were they truly any flat open Meadows, that lay adjoining to any Vill or Firm. The ſame with *Berras*, in that Plea between the Biſhop and Prior of *Carliſle*, 18 *E.* 1. *& quod Rex in foreſta ſua prædicta*, (*ſcil. de Inglewood*) *poteſt Villas ædificare, Eccleſias conſtruere*, Berras aſſartare, *& Eccleſias illas cum decimis terrarum illarum pro voluntate ſua cuicunque voluerit conferre*; where *berras aſſartare*, muſt be to aſſart or plough up the plain open Heaths, or Downs. Hence the Termination of many Places, ſituate in a more open Campagne; as *Mixberie*, *Cornberie*, &c.

Berkſhire. See *Atrebatii.*

Bernagium. See *Brenagium.*

Bernet, (*Incendium* from the Sax. *byrnan*, to burn) is one of thoſe Crimes, which, by *Henry* the Firſt's Laws, *cap.* 13. *emendari non poſſunt:* It ſignifies *Domus combuſtio*, according to MS. *Bibl. Cotton.* Tit. Vitellius. *C.* 9. Sometimes it ſignifies any capital Offence. *Leges Canuti apud Brompt. c.* 90. *Leg. H.* 1. *c.* 12. 47.

Berocſire, in *Domeſday* is uſed for *Berkſhire.*

Berquaria. See *Berbicaria* and *Bercaria.*

Berquarii and **Bercarii**, Shepherds. *Domeſday.* See *Bercaria.*

Berra, A plain open Heath. *Berras aſſartare*, to grub up ſuch barren Heaths. *Pet.* in *Parl.* 18 *Ed.* 2. See *Beria.*

Berrithatch, In the Court-Rolls of the Manor of *Chaton*, *in Com. Somerſ.* is uſed for Litter for Horſes.

Berruuich. *Habet Rex Edwardus unum manerium Derbie nominatum cum ſex* Berruuich. See *Berwica.*

Berſa, Fr. *Bers*, A Limit, Compaſs, or Bound. ——*Paſturam duorum taurorum per totam* Berſam, *in Foreſta noſtra de* Chipenham. Monit. Angl. Tom. 2. fol. 210. a. *A Park-Pale.*

Barſare, To ſhoot; Germ. *Berſen.* —— Berſare *in Foreſta mea ad tres arcus.* Carta. Ran. Com. Ceſtr. An. 1218, *i. e.* To hunt or ſhoot with three Arrows in my Foreſt. *Berſarii* were properly thoſe that hunted the Wolf from the Sax. *Bærſ*, a Wolf.

Berſatrix (from the Fr. *Bercer*, to rock) a Rocker. *Rex* —— *Sciatis quod pro bono ſervitio, quod dilecta nobis Matilda de Plumton*, Berſatrix *Edwardi Comitis Ceſtriæ, filii noſtri cariſſimi, eidem filio noſtro impendit, Conceſſimus eidem Matildæ decem marcas percipiend. ſingulis annis ad Scaccarium noſtrum*, &c. Pat. 10 Edw. 3. *pag.* 1. *m.* 30.

Berſelet, *Berſeletta*, A Hound. —— *Ad* berſandum *in Foreſta cum novem arcubus, & ſex* berſeletis. Cart. Rog. de Quincy.

Berton (*Bertona*, from the Sax. *Bere, borreum, & Ton, villa*) *Eſt area in averſa parte ædium ruralium primariarium, in qua borrea, ſtabula & vilioris officii ædificia ſita ſunt, in qua foventur domeſtica animalia & negotiationes ruſticæ peraguntur.* —— *Rex Theſaurario & Baronibus ſuis de Scaccario ſalutem. Quia volumus quod Caſtrum noſtrum Glouceſtriæ, necnon & Tina &* Bertona *Glouc. corpori dicti Comitatus noſtri Glouc. annectantur*, &c. Clauſ. 32 E. 1. m. 17. It comes from the Saxon *Bere*, which ſignifies Barley, and from thence comes *Bern*, a *Barn*, *i. e. Bere-ern*, a Place for Barley; and *Bereſtor*, a *Barn-floor*; and ſo *Barton*, which ſignifies a Farm, and is always diſtinct from a Manor.

Bertonarii. —— *Cum* Bertona *terris & tenementis, quæ* Bertonarii *modo tenent ad voluntatem.* Charta Johannis Epiſc. Exon. dat. 24 Dec. Anno 1337. Doubtleſs theſe were ſuch as we now call Farmers, or Tenants of *Bertons*, Husbandmen, that held at the Will of the Lord. In *Devonſhire* they call a great Farm or Manſion, a *Berton*; a ſmall Farm, a *Living.*

Berwica, A Hamlet, or Village appurtenant to ſome Town or Manor; often found in *Domeſday*; from the Sax. *Berewica*, a Corn-Farm: *Manerium minus ad majus pertinens*; *non in gremio Manerii, ſed vel in confinio vel disjunctius interdum ſitum eſt.* Spelman. So in the Donation of *Edward the Confeſſor*, *Tothill* is called, *The* Berwiek *of Weſtminſter.* Cam. Brit. fol. 816.

Berwick upon Tweed. See *Bercovicus* and *Tueſis.*

Bery or **Bury**, The Vill or Seat of a Nobleman, a Dwelling-houſe, a Manſion-houſe, or Court, a chief Farm. From the Sax. *Beorg*, which ſignifies an Hill or Caſtle; for heretofore their Seats were Caſtles ſituate on Hills, of which we have ſtill ſome Remains. The chief Houſe of a Manor, or the Lord's Seat, is ſtill ſo called in ſome Parts of *England*; as in *Herefordſhire* there are the *Beries* of *Stockton*, *Luſton*, *Hope*, &c. Anciently uſed alſo for a Sanctuary.

Beſaile, *Proavus*, is borrowed of the French *Byſayeule*, (i. e. *Pere de mon Pere-grand*) the Father of my Grandfather. In the Common Law it ſignifies a Writ, that lieth where the Great Grandfather was ſeiſed in his Demeſne as of Fee, of any Lands or Tenements in Fee-ſimple, the Day that he died; and after his Death, a Stranger abateth or entreth the ſame Day upon him, and keepeth out his Heir, &c. The Form and Uſe of this Writ is more at large to be read in *F. N. B. fol.* 221.

Beſſa, a Spade or Shovel; derived from the French *beſcher*, *fodere*, to dig. Hence perhaps *Una* beſcata *terræ incluſa. Mon. Ang. p.* 2. *fol.* 642. may ſignify a Piece of Land uſually turned up with a Shovel or Spade, as Gardiners uſe to fit their Grounds, to ſow and plant in.

Beſtiale, Cometh of the French *Beſtiale*, which is *pecus*, Beaſts of any Sorts. *Anno* 4 *E.* 3. *cap.* 3. it is written *Beſtayle*, and taken to denote all Kinds of Cattle, purvey'd for the King's Proviſion. It is alſo mentioned, to ſignify all Kinds of Cattle, in 12 *Car.* 2. *c.* 4.

Betachez,——*Et Hibernicos ſic admiſſos ad legem prædictam more* Anglicorum *pertractari mandamus jure noſtro & aliorum dominorum in bonis & catallis Nativorum, qui vulgariter in illis partibus* Betaches *nominantur, i. e.* Laymen uſing Glebe-Lands. *Par.* 14 *Ed.* 2. *p.* 2. *m.* 21 *intos.*

Bethugabel. See *Bagavel.*

Beverches, Bed-works, or Cuſtomary Services done at bidding of the Lord by his inferior Tenants. —— *Inter Servitia* cuſtumaria *Tenentium in* Blebury, *de dominio Abbatis & Conventus* Rading ——*prædictus Abbas habebit de eis duas precarias carrucarum per annum, quæ vocantur* Beverches, *& cum qualibet*

qualibet carrucâ duos homines qualibet die ad prandium Abbatis. Cartular. Reading. MS. f. 223.

Bidall, or **Bid-ale**, Is the Invitation of Friends to drink at some poor Man's House, who thereby hopes to receive some assistant Benevolence from the Guests for his Relief; still in Use in the West of *England*, and falsly written by some *Bildale*, and mentioned 26 *H.* 8. *c.* 6. The same is used also in the County Palatine of *Chester* by some Persons of Quality, towards the Relief of their own or Neighbours poor Tenants.

Bidding of the Beads, Was a Charge or Warning that the Parish Priest gave to his Parishioners at certain special Times, to say some particular Prayers, or do other Acts of Devotion, in behalf of some deceased Friend's Soul; in Imitation of which, the Ministers of the Church of *England* are commanded by the Canons on the *Sunday* precedent, to give Notice of or *bid* the Festivals in the following Week, that the Parishioners may the better observe them; this is mentioned 27 *H.* 8. *c.* 26. we may easily find *bidding* in the Sax. Words *bidden*, to pray or desire; and *bead*, a Prayer.

Bidentes, Two Yearlings, Tags or Sheep of the second Year ——*Will. Longespe*, *A. D.* 1234. granted to the Prior and Canons of *Burcester*.—— *Pasturam ad quinquaginta* bidentes, *cum dominicis* bidentibus *meis ibidem pascendis.* Paroch. Antiq. p. 216. The Wool of these Sheep being the first shearing, was sometime claimed as a *Heriot* to the King, on the Death of an Abbat.

Bidipe, *Bidripa.* See *Bederepe.*

Biduana: *i. e.* a Fasting for the Space of two Days. 'Tis mentioned in *Matt. West. p.* 135, and in Flor. of *Worcester p.* 631. Biduanas *faciant omnes Episcopi & Monachi, &c.*

Biga, *Bigata*, Properly a Cart with two Wheels, and not as some have offered, a Chariot drawn with coupled Horses; these Words have it sufficiently, *Et quod eant cum* Bigis *& carris cum cæteris phaleris, &c. super Tenementum suum, &c.* Mon. Angl. f. 256. b. This *Biga*, or Cart with two Wheels, was drawn sometimes with one Horse, a more express Refutation of the above-mentioned Conjecture. King *Hen.* 3. confirmed to the Priory of *Repingdon Com. Derb. unam* bigam *cum unico equo semel in die in bosco suo de* Tikenhall *errantem, ad focale ad usus suos proprios portandum.* Mon. Angl. tom. 2. pag. 280.

Bigamus, Is any Person that hath at several Times married two or more Wives, successively after each other's Death, or a Widow; as appears by the Statutes, 18 *E.* 3. *c.* 2. 1 *Ed.* 6. *c.* 12. 2 *part. Co. Inst. fol.* 273.

Bigamy, *Bigamia*, Signifies a double Marriage, being a compound Greek Word; it is used in Common Law, for an Impediment that hindreth a Man to be a Clerk, by reason he hath been twice married, 4 *E.* 1. 5. which seems to be grounded upon the Words of St. *Paul* to *Timothy*, *Epist.* 1. *c.* 5. *vers.* 2. *Oportet ergo Episcopum irreprehensibilem esse, & unius uxoris virum.* The Canonists have founded their Doctrine upon this, That he that hath been twice married may not be a Clerk: And him that hath married a Widow they reckon to have been twice married. Both which they do not only exclude from Holy Orders, but also deny them all Privilege that belongs to Clerks. But the Author of the new Terms of the Law saith, This Law is abolished by 1 *E.* 6. 12. and to that may be added, 18 *Eliz. c.* 7. which alloweth to all Men that can read as Clerks, tho' not within Orders, the Benefit of Clergy, even in Case of Felony, not especially excepted by some other Statute. So is *Brook*, Tit. Clergy, *plac.* 20. to the same Purpose.

Bigot is a Compound of several old *English* Words, and signifies an obstinate Person, or one who is wedded to this Opinion. *Rollo*, the first Duke of *Normandy*, refused to kiss the King's Foot, unless he held it out to him for that Purpose; it being a Ceremony used in Token of Subjection for that Dukedom, with which the King at that Time invested him: Those who were present taking Notice of the Duke's Refusal, advised him to comply with the King's Desire, to which he answered them, *Ne se Bigot*, upon which he was in Derision called *Bigot*; and the *Normans* are still so called.

Bilagines. See *By-Laws.*

Bilancis deferendis, Is a Writ directed to a Corporation, for the carrying of Weights to such a Haven, there to weigh the Wools that such a Man is licensed to transport. *Reg. Orig. fol.* 270. *a.*

Bilaws, or rather **By-Laws**, Lat. *Bilagines.* So called by the *Goths*, the *Swedes*, the *Danes* and *Saxons*; from *By*, which in all those Languages signifies a Town; and *Lagh* or *Laghen*, which signifies Laws; as *Gravius*, *Suecus*, and our *Saxon* Authors testify: And though *Formandes*, a *Spanish Goth* writeth it after the *Spanish* Corruption, *Bellagines*: Yet we in *England* keep the very Radix and Word it self *By-Laws.* Vid. *Spelman.* of *Feuds. c.* 2. *Bylaws* are Laws made *obiter*, or by the *By*; such as are made in Court-Leets, or Court-Barons, for the peculiar Good of those that make them, farther than the Common or Statute Law doth bind. The like are generally allowed by Letters Patent of Incorporation to any Guild or Fraternity, for the better Regulation of Trade among themselves, or with others. *Co. vol.* 6. *f.* 63. *a. Kitchin, fol.* 45. 79. These in *Scotland* are called *Burlaw* or *Birlaw. Skene de verb. signif. verb. Burlaw*, Which, saith he, are Laws made and determined by Consent of Neighbours, elected and chosen by common Approbation in the Courts called *Birlaw-Courts*, where they take Cognisance of Complaints between Neighbour and Neighbour; which Men so chosen, are Judges and Arbitrators to the Effect aforesaid, and are called *Birlaw-men*; for *Bawr* or *Bawrsman* in *Dutch* is *Rusticus*, and so *Birlaw* is no other, but *Leges Rusticorum.* By 14 *Car.* 2. *cap.* 5. the Wardens and Assistants for making and regulating *Norwich* Stuffs, are impowered to make *By-Laws.* See 20 *Car.* 2. *c.* 6.

Bilinguis, In general is a Man of a double Tongue; but in a legal Sense, is used for a Jury that passeth in any Case between an *Englishman* and an *Alien*, whereof Part ought to be *Englishmen*, and Part Strangers. 28 *E.* 3. *c.* 13. This we call vulgarly a *Party-Jury*; but in proper Language, it is a Jury *de medietate linguæ.* See *Medietas Linguæ.*

Bill, *Billa*, Hath several Significations in Law. First, according to *West. Symb. p.* 1. *lib.* 2. *sect.* 146. It is all one with an Obligation, saving that it is commonly called a *Bill*, when in *English*; and an Obligation, when in *Latin.* But now by a *Bill* we ordinarily understand a single Bond, without a Condition; by an Obligation, a Bond with a Penalty and Condition: *West. part.* 2. *Symbol.* Tit. Supplications, *sect.* 52. Secondly, a *Bill* is a Declaration in Writing, that expresseth either the

Wrong the Complainant hath ſuffered by the Defendant, or elſe ſome Fault that the Party complained of hath committed againſt ſome Law or Statute of the Common-wealth. Such Bill is ſometimes exhibited to Juſtices *Itinerant*, at the General Aſſiſes, by way of Indictment, or Information; but more eſpecially to the Lord Chancellor or L. Keeper, for unconſcionable Wrongs done. Sometimes it is preferred to others having Juriſdiction, accordingly as the Law, whereupon they are grounded, doth direct. It containeth the Fact complained of, the Damages thereby ſuffered, and Petition of Proceſs againſt the Defendant for Redreſs. See more in *Weſt. Symb. part* 2. Tit. *Supplications.*

Billa vera, Is a Term of Art in the Common Law: For the Grand Inqueſt impannelled, and ſworn before the Juſtices in *Eyre*, &c. indorſing a Bill, whereby any Crime puniſhable in that Court, is preſented unto them, with theſe two Words, which do ſignify thereby, That the Preſentor hath furniſhed his Preſentment with probable Evidence, and worthy of farther Conſideration: And thereupon the Party preſented, is ſaid to ſtand indicted of the Crime, and ſo bound to make Anſwer unto it, either by confeſſing or traverſing the Indictment: And if the Crime touch the Life of the Perſon indicted, it is yet referred to another Inqueſt, called the Jury of Life and Death; who, if they find him guilty, then he ſtands convicted of the Crime, and is by the Judge to be condemned to Death. See *Ignoramus.* See alſo *Indictment.*

Billeta, *Billetus*, A *Bill* or Petition exhibited in Parliament. ——— *Sic reſponſum fuit ad* biletam *quam propoſuimus in Parliamento* London. Conſuetud. domus de Farendon. MS. f. 48. So *Tenor* Billeti *porrecti coram Concilio Domini Regis,* ——— *ſupplicat Abbas de* Bello *loco Regis*, &c. Ib. fol. 43.

Bill of Stoze, Is a Kind of Licence granted at the Cuſtom-houſe, to Merchants, to carry ſuch Stores and Proviſions as are neceſſary for their Voyage, cuſtom-free.

Bill of Sufferance, Is a Licence granted at the Cuſtom-houſe to a Merchant, to ſuffer him to trade from one *Engliſh* Port to another, without paying Cuſtom. *An.* 14. *Car.* 2. *cap.* 11.

Billets of Gold, Are Wedges or Ingots of Gold: The Word is derived from the French *Billot*, *Maſſa Auri.* 27 *E.* 3. *Stat.* 2. *c.* 14.

Billot, *Billo*, *Billonis*, Bullion of Gold or Silver in the Maſs before it is coin'd.—— *Volumus quod utrumque argentum* billonis, *& tranſmarinum ematur ad libram Scaccarii, retentis ad opus noſtrum pro cuſtubus & expenſis, & firma noſtra ſexdecim denariis de argento de Gandavo.* Mem. in Scaccar. Term. Mich. 9 Edw. 1. by Sir *John Maynard.*

Billus, A Stick or Staff, which in former Times was the only Weapon for Servants. *Leg. H.* 1. *cap.* 70. *Si liber ſervum occidat, reddat parentibus* 42 *muſtas & unum* billum *mutilatum domino ſervi pro manbota:* And *cap.* 78. *Si quis in ſervum tranſeat, in ſignum hujus tranſitionis* billum *vel ſtrublum, vel deinceps ad hunc modum ſervitutis arma ſuſcipiat, & in manum Domini mittat.*

Bind of Eels. See *Stick of Eels.*

Binithenenden. This is enumerated among the Privileges granted to the Monaſtery of *Glaſtonbury* ———*Soc & Sac, hordes*, bovenesden, & binithenenden, on *Strond* and on *Streme.* Cartular. Abbat. Glaſton. MS. f. 87. a.

Binnarium, *Binna*, *Benna*, A Stew, or Water penn'd up for feeding and preſerving Fiſh.—— *Expenſæ in piſce ad inſtaurandum* binnarium *empto xii s. Vid.* conſuetud. Dom. de Farendon, MS. f. 29. ——*Proviſum eſt quod nullus magnus vel parvus currat in parco alieno, aut piſcetur in alterius* binnario. —Stat. Ed. 1. Anno Regni tertio, apud Weſt.

Binny Pepper, *Anno* 1 *Jac. cap.* 19.

Binobium. *Bincheſter.*

Biothanetus, One who deſerves to come to an untimely End: *Ordericus Vitallis*, writing of the Death of *Will. Rufus*, who was ſhot by *Walter Tyrrell*, tells us, That the Biſhops conſidering his wicked Life and bad End, thought him *Eccleſiaſtica veluti* Biothanetum *abſolutione indignum.* Lib. 10. p. 782.

Bipertijocum. See *Jocum partire.*

Birlaw. See *Bilaw* and *Byrlaw.*

Birretus, The Cap or Coif of a Judge, or Serjeant at Law. The honourable Uſe of it is thus deſcribed by *Forteſcue*, De Laud. Leg. Angl. cap. 50. *In ſignum quod omnes Juſticiarii ibi taliter extant graduati, quilibet eorum ſemper utitur, dum in Curia Regis ſedet*, Birreto *albo de ſerico, quod primum & præcipuum erat de Inſignibus Habitus quo Servientes ad Legem in eorum creatione decorantur. Nec* Birretum *iſtud Juſticiarius, ſicut nec Serviens ad Legem, unquam deponet, quo caput ſuum in toto diſcooperiet etiam in præſentia Regis*, &c. Spelman.

Biſacuta, An iron Weapon cutting on both Sides: *Fecit eidem unam plagam mortalem de quadam* biſacuta. Fleta. Lib. 1. cap. 33.

Biſaunt, *Biſantin*, *Beſant*, *Bizantine*, *Biſantius*: A Piece of Money coined by the *Weſtern* Emperors at *Bizantium* or *Conſtantinople*; of two Sorts, Gold and Silver, *Bizantius aureus & albus:* Both which were current in *England. Chaucer* repreſents the Gold *Beſantine* or *Beſaunt*, to have been equivalent to a Ducat. The Silver *Beſantine* was computed generally at two Shillings.

Biſcot. 9 *Edw.* 3. At a Seſſions of Sewers held at *Wigenhale* in *Norfolk*, it was decreed, That if any one in thoſe Parts of *Marchland*, ſhould not repair his Proportion of the Banks, Ditches and Cawſeys, by a Day aſſigned, 12 *d.* for every Perch unrepaired (which is called a *Bilaw*) ſhould be levied upon him. And if he ſhould not by a ſecond Day given him, accompliſh the ſame; then he ſhould pay for every Perch 2 *s.* which is called **Biſcot.** *Hiſt. of Imbanking and Draining, fol.* 254. *a.*

Biſſa, *a Gall.* Biſche, *Cerva major*, A Hind. ——*decimam venationis noſtræ, ſcil. de cervis* biſſis, *damis, porcis & laiis.* Mon. Angl. vol. 1. fol. 648. a.

Biſſextile, *Biſſextilis*, Vulgarly call'd Leap-year, becauſe the ſixth Day before the Calends of *March* is twice reckon'd, *viz.* on the twenty-fourth and twenty-fifth of *February*: So that the *Biſſextile-year* hath one Day more than other Years, and happens every fourth Year: This intercalation of a Day was firſt invented by *Julius Cæſar*, to make the Year agree with the Courſe of the Sun. And to prevent all Ambiguity that might grow thereupon, it is ordain'd by the Statute *De Anno Biſſextili*, 21 *H.* 3. That the Day increaſing in the Leap-year, and the Day next before, ſhall be accounted but one Day. *Britton. fol.* 209. and *Dyer* 17 *Eliz.* 345.

Biſus, *Biſius*, *Mica Biſa*, *Panis biſius*; *Gall.* Pain-bis, *Angl.* Brown-bread, a Brown-loaf.——

Abbas & Conventus Ofen. *concedunt* Petro de Sibbeford *qualibet ſeptimana ſeptem parvas albas micas* (i. e. ſeven ſmall white Loaves) *& ſeptem* biſas *micas* (i. e. ſeven brown Loaves) *& quinque galones & dimid. melioris ceruſiæ*——— *Anno* 1341. ———Cron. Ofen. Bib. Cotton, Vitell. E. 15. f. 247.

Black-mail, Is half *Engliſh*, half *French*; for in French *Mail* ſignifieth a ſmall Piece of Money. It denotes in the Counties of *Cumberland*, *Northumberland*, *Weſtmorland*, and the Biſhoprick of *Durham*, a certain Rate of Money, Corn, Cattle, or other Conſideration, paid unto ſome inhabiting near the Borders, being Men of Name and Power, ally'd with certain Moſs-troopers, or Perſons known to be great Robbers, and Spoil-takers within the Counties; to the End, to be by them protected, and kept in Safety, from the Danger of ſuch as do uſually rob and ſteal in thoſe Parts. *Anno* 43 *Eliz. cap.* 23. See *Mayle*. Theſe Robbers are of late Years call'd Moſs-Troopers, and ſeveral Statutes made againſt them.

Black-mail alſo ſignifies the Rents formerly paid in Proviſions of Corn and Fleſh.

Black-rents (*reddit us*) the ſame with *Black-mail*.

Black-rod, or *Gentleman Uſher of the Black Rod*, is Chief Gentleman Uſher to the King. He is called in the *Black-Book*, *fol.* 255. *Lator virgæ nigræ*, and *Hoſtiarius*; and elſewhere *Virgi-bajulus*: His Duty is *Ad portandam Virgam coram Domino Rege ad Feſtum Sancti Georgii infra Caſtrum de Windeſore*. He hath alſo the keeping of the Chapter-Houſe Door, when a *Chapter* of the Order of the Garter is ſitting; and in the Time of Parliament, attends on the *Houſe of Peers*.

He hath a like a Habit with the *Regiſter* of the Order, and *Garter* King of Arms; which he wears at the Feaſt of St. *George*, and all Chapters. He bears a *Black Rod*, on the Top whereof ſits a Lion, Gold; which *Rod* is inſtead of a Mace, and hath the ſame Power and Authority. His Fees is now 30 *l. per Annum*. This Officer hath been antiently conſtituted by Letters Patent under the Great Seal.

Bladarius, Uſed in our Records for a Corn-Monger, Meal-Man, or Corn-Chandler. *Pat.* 1 *Edw.* 3. *par.* 3. *m.* 13. See *Puleterius*.

Blade (*Bladum*, Fr. *Bled*) *Noſtro foro, de ſegete tantum intelligitur, præſertim etiam in herba. Spel.* But the Saxon *Bled* ſignifies more generally Fruit, Corn, Hemp, Flax, Herbs, &c. or the Branches or Leaves of Trees or Herbs, whilſt they grow. *Univerſis*——— Will. de Mohun *ſalutem, Sciatis me relaxaſſe & quietum clamaſſe Domino* Reginaldo de Mohun *fratri meo totum Manerium meum de Tor* ———*Salvo mihi inſtauro meo &* blado, &c. (ſine dat.) *i. e.* Excepting my Stock and Corn on the Ground. Hence *Bladier* is taken for an Ingroſſer of Corn or Grain. *Sciant*— *quod ego* Willielmus Alreton, *conſenſu & voluntate* Beatricis *Uxoris meæ, Dedi*——— *Agathæ Gille pro duabus Marcis Argenti & una* menſura bladi, *duas ſolidatas redditus in villa Leominſtr. illas ſcil. quas* Walterus de Luda *ſolebat mihi reddere pro quadam terra quæ eſt inter ſoldas Adæ Talcurteis & Feodum Johannis Reading. habend.* &c. (ſine dat.) Ex libro Chartar. Priorat. Leominſtriæ.

Bladus, A Sky-colour, *Mon.* 3 *Tom. pag.* 170.

Blanch Firmes, In old Times the Crown-Rents, were many Times reſerved *in Libris Albis*, or *Blanch Firmes*. In which Caſe the Buyer was holden *Dealbare firmam*; that is, his baſe Money, or Coin worſe than Standard, was molten down in the *Exchequer*, and reduced to the Fineneſs of Standard-Silver; or (inſtead thereof) he pay'd to the King twelve Pence in the Pound, by way of Addition. *Vid.* Lownde's *Eſſay upon Coin, p.* 5.

Blanda. See *Landa*.

Blanhornum, *i. e.* A little Bell, or rather *Ticimium*, viz. *Pecoris ticimium, & canis oppa &* blanhornum, *horum trium ſingulum eſt unum ſolidum valens*: From the *Saxon* Blan, *ceſſans, & Horn, cornu*. Leg. Adelſtan. cap. 8.

Blank Bar is the ſame with what we call a *Common Bar*, and is the Name of a Plea in *Bar*, which in an Action of Treſpaſs is put in to compel the Plaintiff to aſſign the certain Place where the Treſpaſs was committed: It is moſt uſed by the Practiſers in the Common Beneh, for in the King's Bench the Place is commonly aſcertained in the Declaration. *Croke*, 2 *Part. fol.* 594.

Blank Farm, A white *Farm*; that is, where the Rent was paid in Silver, and not in Cattle.

Blanks, French *Blanc*, that is *Candidus*, white; It ſignifies a kind of Money coined in the Parts of *France* by *Henry* V. that were ſubject to *England*, the Value whereof was eight Pence. *Stow*'s Annals p. 586. Theſe were forbidden to be current within this Realm. 2 *Hen.* 6. *ca.* 9. The Reaſon why they were called *Blanks*, may be, becauſe, at the Time theſe were coined in *France*, there was alſo a Piece of Gold coined, which was called a *Salus*, of the Value of 1 *l.* 2 *s.* from which this Silver was diſtingiſhed by the Colour.

Blaſarius, an Incendiary.

Blatum, *Bullneſs*, in *Cumberland*.

Ble with a ſingle *e* ſignifies Sight, Colour, &c. With a Double *e*, it ſignifies Corn. At *Boughton* under the *Blee*. *Ch. fol.* 54.

Blench, Is the Title of a Kind of Tenure of Land, as to hold Land in *Blench*, is by Payment of a Sugar-Loaf, a Bever-Hat, a Couple of Capons, and ſuch like; if it be demanded in the Name of *Blench*, *id eſt*, *nomine albæ firmæ*. See *Alba firma*.

Bleſtium, *Old Town*, in *Herefordſhire*.

Bleta, French *Bleche*: *Pete*, or combuſtible Earth, dug up and dried for burning. ——— *Miniſter & Fratres de* Knares-borough, *petunt quod ipſi & eorum Tenentes fodiant turbas &* bletas, *in Foreſta de* Knares-borough. Rot. Parl. 35 E. 1.

Blinks, Boughs broken from Trees, and caſt in a Way where Deer are likely to paſs.

Bliſſom. This is when a Ram goes to the Ewe: From the Teuton. *Bletz*, the Bowels or from *Bleten*, to accommodate. 'Tis corruptly called *Bloſſom* to this Day.

Bloated Fiſh or Herring (*Anno* 18 *Car.* 2. *c.* 2.) are thoſe that are half-dry'd; perhaps from the Sax. *Blotan*, to kill and offer in Sacrifice.

Blockwood. See *Logwood*.

Blodeus, Sax. *Blod*, deep red Colour. Hence *bloat* and *bloated*, *i. e.* Sanguine and high-colour'd; which in *Kent* is called a *Blouſing* Colour, and a *Blouſe* is there a Red-faced Wench. The Prior of *Burceſter*, *A. D.* 1425. gave his Liveries of this Colour.———*Et in* blodeo *panno empto pro Armigeris & Valettis Prioris de* Johanne Bandye, *de magna* Tue. Paroch. Antiq. p. 576.

Blodius, a Sky-colour. *Mon. Angl. Tom.* 3. *pag.* 170.

Blomary, Is one of the Forges belonging to an Iron Mill, through which the Iron paſſeth

before it cometh to the Finary. Of this you may read at large, 27 *Eliz. cap.* 19.

Blondus, see *Blundus.*

Bloodshed, *Blood-wit*, or the Fine imposed for shedding *Blood.*——*Mich.* 7. *H.* 7. Willielmus Lucy *Miles, remittit Domui & Ecclesiæ de* Thelesford *Toll, Quick, Stallange*, & Bloodshed. Ex Cartular. Dom. de Thelesford. MS.

Bloodwit, or **Bloodwite**, Is a Compound from the Saxon *Blod, Sanguis*, and *Wite*, an old *English* Word signifying *Misericordia.* It is often used in ancient Charters, and intends an Amerciament for *Bloodshed. Skene de verbor. signif.* writes *Bluidveit.* Which says he, is in *English* as much as *Injuria*, or *Misericordia.* It being as the *Scotchmen* call it, an Unlaw for Wrong or Injury, as is the Effusion of *Blood.* For he that hath *Bloodwit* granted him, hath free Liberty to take all Amerciaments of Courts for shedding of *Blood. Fleta* saith, *Quod significat quietantiam misericordiæ pro effusione sanguinis*, lib. 1. cap. 47. *Si aliqui pugnantes ad invicem in Rudham, & extraxerint sanguinem*, Prior *habebit* Bloodwit, i. e. *Amerciamentum inde in Curia sua* Ex Reg. Priorat. de Cockesford. Sax. *blod, Blood*, and *wit*, a Fine or Penalty; for *Blodewite* was a customary Fine paid as a Composition and Atonement, for the shedding or drawing *Blood:* For which the Place was answerable, if the Party were not discovered. And therefore a Privilege or Exemption from this Penalty was granted by the King, or Supreme Lord, as a special Favour. So K. *Henry* II. granted to all his Tenants, within the Honour of *Wallingford, Ut quieti sint de hidagio*, & blodewite & bredewite, ——Paroch. Antiq. p. 114.

Bloodshand. See *Backberind.* It signifies the Apprehension of a Trespasser in the Forest against Venison, with his Hands, or other Parts *bloody*, though he be not found chasing or hunting. Of which, see *Manwood, c.* 18. *num.* 9. In *Scotland*, in such like Crimes, they say, *Taken in the Fact*, or *with the Red Hand.*

Blossom, the same as *Blissom, quod vide.*

Blubber, A kind of Whale-Oil, so called before it is thorowly boiled; spoken of 12 *Car.* 2. *cap.* 18.

Blue, and **Bludie**, The Mark of a Wound or Bruise; what we now call Black and *Blue*, or, as red as Blood. *Lat.* Blodeus: *Si quis verberando aliquem fecerit* Blue & Bludie, *iste qui fuerit* Blue & Bludie, *prius debet exaudiri.* Leg. Burg. Scot. cap. 87.

Bluet, *Blue.*——*Vestimenta autem dabunt mihi de* Grisseng, *vel halberget & pellibus agninis, uxori autem meæ ad carius* bluet, & *pellibus similiter, agninis.* Mon. Angl. tom. 1. f. 831.

Blundus, One whose Hair is yellow, *Sicut pater suus tenuit tempore Regis* Willielmi Blundi, meaning *William Rufus. Du Fresne.*

Bockhoard, Is, as it were, *Book-hoard*, or a *Hoard* for Books, that is, a Place where Books, Writings, or Evidences are kept: We may term it in Latin *Librorum horreum.* It is derived from Sax. *Bock, liber*, and *Herd, Thesaurus.*

Bockland, Sax. *quasi* Bookland, *terra hæreditaria vel testamentaria*; a Possession or Inheritance held by Instruments in Writing. Bockland *vero ea possidendi transferendique lege coercebatur, ut nec dari liceat nec vendi, sed hæredibus relinquenda erat, in scriptis aliter permitteretur*; Terra *inde* Hæreditaria *nuncupata inter leges* Aluredi, *cap.* 36. See *Charter-land, Copyhold, Freehold*, and *Land-boc.* See also *Glossarium in decem Scriptores.* This was one of the Titles by which the English *Saxons* held their Lands, and was always in Writing, and from hence called *Bockland*, which signifies *Terram Codicillariam*, or *Librariam*, Deed-land, or Charter-land. It commonly carried with it the absolute Inheritance and Propriety of the Land, and was therefore preserved in Writing, and possessed by the *Thanes*, or Nobler Sort, as *Prædium Nobile, Liberum, & immune a Servitiis vulgaribus & servilibus*: It was the very same as *Allodium* descendible (according to the common Course of Nations, and of Nature) unto all the Sons, and therefore called *Gavel-kind*; devisable also by Will, and thereupon called *Terra Testamentales*, as the *Thane* that possessed them, was said to be *Testamento dignus.* Vid. *Spelman* of *Feuds, cap.* 5.

Bodies Politick. See *Corporation.*

Bodbary. See *Varis.*

Boia, Chains or Fetters, properly what we call *Bernicles. Quidam a dolore capitis liberatus est, adjungens genæ suæ* boias, *quibus S.* Britstanus *ligatus fuit.* Hist. Elien. apud Whartoni Angl. Sac. P. 1. p. 618.

Boilary, or **Bullary of Salt**, A *Salt-House*, or *Salt-pit*, where Salt is boiled. *Co.* on *Lit. fol.* 4. *b.*

Bolarium. See *Belerium.*

Boldagium. See *Bolhagium.*

Bolhagium, A little House or Cottage, from the Sax. *Bold, Domicilium.*

Bollis, a *Bowl. Unum baculum processionale cum uno* Bolle *argenteo pro magna cruce imponenda.* Mon. Angl. Tom. 2. pag. 666.

Bolmeng, Mesling Corn or Bread: From the Sax. *Bold, Villa*, and *Mong, Miscella*; because Countrymen eat this Sort of Bread.

Bolt, A *Bolt* of Silk or Stuff, seems to have been a long narrow Piece.——In the Accounts of the Priory of *Burcester. A. D.* 1425——*Et in* bolt *rubei* Say, *apud* Stererbrugge, *propter anabatam faciendam iv sol. viii denar.* Paroch. Antiq. p. 574.

Bolter. See *Bultel.*

Bolting, Is a Term of Art used in *Grays-Inn*, whereby they intend private arguing of Cases; the Manner of it is this, An *Ancient* and two *Barrasters* sit as Judges; three Students bring each a Case, out of which the Judges chuse one to be argued, which done, the Students first begin and argue, and after them the Barrasters. *Bolting* hath also a more common Acception, which Country Housewives say is the Sifting of the Meal or Flour thro' a Bag, to make it finer; which Bag they call a *Bolter:* And why may not the Law Term be drawn hence? Because the *Bolting* of Cases is the thorough sifting and debating of 'em. It is inferior to Mooting, and may be derived from the Sax. *Bolt*, an House; because done privately in the House for Instruction. In *Lincoln's Inn*, in Vacation-Time, *Monday* and *Wednesday* are the *Bolting* Days; *Tuesday* and *Thursday* the Moot-Days; But in Term-Time, *econtra.*

Bona fide. We say, That is done *Bona fide*, that is done really, with a good Faith, without Fraud or Deceit. It is mentioned 12 *Car.* 2. 18. and 15 *Car.* 2. *c.* 5.

Bona gestura, Good Abearing, or good Behaviour.——*Et si per furorem vel aliquos manutentores renuerit invenire sufficientem securitatem de sua* bona gestura *erga Ballivos & Comburgenses*——*a prædicto burgo ejiciatur.* Codex MS. de LL. Statutis & Consuetud. Burgi Villæ Montgomer. fol. 15.

Bonaght, or **Bonaghty**, An Exaction in *Ireland*, impoſed at the Will of the Lord, for Relief of the Knights called *Bonaghti* who ſerved in the Wars. *Antiq. Hib.* p. 60. *Cambden* in his *Brit.* Tit. *Deſmond* ſays, that *James* E. of *Deſmond* impoſed upon the People thoſe moſt grievous Tributes of Coin, Livery, Cocherings, *Bonaghty*, &c.

Bona notabilia, Are ſuch Goods as a Party dying hath in another Dioceſe, than that wherein he dies, amounting to 5*l.* at leaſt, which, whoſo hath, his Will muſt be proved before the Archbiſhop of the Province; unleſs by Compoſition or Cuſtom, other Dioceſes are authorized to do it, where *Bona notabilia* are rated at a greater Sum. Book of Canons. 1 *Jac. can.* 92, 93. *Perkin, ſect.* 489. See Probate of Teſtaments.

Bona Patria, An Aſſiſe of Countrymen, or good Neighbours: Sometimes ealled, *Aſſiſa bonæ Patriæ*, when twelve, or more, are choſen out of the Country to paſs upon an Aſſiſe; and they are called *Juratores*, becauſe they ſwear judicially in Preſence of the Party. *Skene verb. Bona Patria.* Vid. *Aſſiſors.*

Bontha, A *Bonch*, or *Bunch*. The Prior and *Burſar* of *Biſiter*, *Com. Oxon. An.* 1425. account to the Houſe,——*Et in duabus* bonchis *allii* vi *den.* ——for two Bunches or Ropes of Onions 6 *d. Fr. Junius* derives it from the Daniſh *Buncker*, the Tops of Hills. It ſeems rather from the old Latin *Bonna*, *Bunna*, a riſing Bank, for the Term or Bound of Fields. Hence the Word *Bown* is uſed in *Norfolk*, for Swelling or Riſing up in a Bunch or Tumour, &c.

Bond, **Bondage**, and **Bondmen**. See *Nativus*. *Bondmen* in *Domeſday* are ealled *Servi*, and differed from *Villani*.——*Et de toto tenemento, quod de ipſo tenet in* Bondagio *in Soca de Nortone cum pertin.* Mon. Angl. 3 par. f. 609. a.

Bonda, a Maſter of a Family.

Bonis Arreſtandis is a Writ; which ſee in *Arreſtandis Bonis.*

Bonis non amovendis, Is a Writ to the Sheriffs of *London*, &c. to charge them, that one condemned by Judgment in a Action, and proſecuting a Writ of Error, be not ſuffered to remove his Goods, until the Error be tried. *Reg. Orig. fol.* 131. *b.*

Bonium. *Bangor* in *Flintſhire.*

Booting, or **Boting Corn**, Certain Rent Corn anciently ſo called; the Tenants of the Manor of *H.* in *Com. B.* heretofore paid the *Booting Corn*, to the Prior of *Rocheſter*, Antiquity of Purveyances, *fol.* 418. See *Bote*. Perhaps it was ſo called, as being paid by the Tenants, by way of *Bote* (*Boot* we ſtill call it) or Compenſation to the Lord, for his making them Leaſes.

Borcovicum, *Berwick* in *Northumberland.*

Bord, a Jeſt, from the Freneh *Bourde*, *fabula.*

Borda, A Plank or Board.—— *Rex Vicecom. Ebor. Salutem. Facias publice proclamari ne quis —— maeremium aliquid, ſeu* Bordas *aliquas aptas pro navibus faciendis, extra regnum noſtrum ad partes exteras ducat, vel cariari faciat.* Rot. Clauſ. 10 *Ed.* 3.

Bordacii, are Tenants that occupy Part of the Demeſnes, which are called *Bordlands.*

Bordagium, The Tenure of *Bordlands*, whieh ſee; *Item ordinatum eſt, quod omnes qui terras & tenementa tenent per* Bordagium, *habeant ſuper ſingulis* Bordagiis, *quæ per prædictum ſervitium tenentur, capitalem quandam manſionem in loco ad hoc conſueto.* &c. Ordin. Juſt. Itin. in Inſula de Jerſey. This was a Sort of Tenure which ſubjected a Man to the meaneſt Services. He could not ſell his Houſe without Leave of the Lord.

Bordare, *Bordiare*, *Burdare*, To exerciſe the Feats of Arms in Juſts, Tornements, or other Military Sports.—— *Nulli conveniant ad turniandum, vel* burdandum, *nec ad alias quaſcunque aventuras.* Aſſiſ. de Armis, An. 36 *H.* 3. *Burdare* was more properly *burdonibus, ſeu fuſtibus dimicare*, to play at Cudgels. *Chaucer* uſes the Word *Burdans*, for larger Sticks or Cudgels: The old French *bourdon*, is a Pilgrim's Staff. *Bordicia* were the ſolemn Challenges and Encounters at Quarter-Staff, Cudgel-Play, Back-Sword, &c.——*De torneamentis* & bordieiis *non tenendis*,—— *Ne quis præſumat torneare, vel* bordiare. Lit. Clauſ. 28 *E.* 1. m. 17.

Bordaria, a Cottage: From the Saxon, *Bord*, *domus. Mon. Angl.* 1 *Tom. pag.* 37. *cum* 18 *ſervis*, 16 *villanis*, & 10 Bordariis, *cum* 60 *acris prati.*

Bordarii, or **Borduanni**, often occur in *Domeſday*; by ſome eſteemed to be Boors, Husbandmen, or Cottagers; which are there always put after Villains. *Dicuntur* Bordarii *vel quod in tuguriis* (*quæ Cottagia vocant*) *habitabant, ſeu villarum limitibus, quaſi* Borderers. Speim. *Tenentes per ſervitia plus ſervilia quam villani, & qui tenent niſi paucas acras.* MS. But ſee *Bordlands.* Some derive it from the old Gall. *Bords*, the Limits or extreme Parts of any Extent: As the Borders of a Country, and the Borderers, Inhabitants in thoſe Parts; whence the Border of a Garment, and to Imborder, whieh we corrupt to Imbroider. But our old *Bordarii*, *Bordmen*, were rather ſo called from Sax. *Bord*, a Houſe. The *Bordarii* often mentioned in the *Domeſday* Inquiſition, were diſtinct from the *Servi* and *Villani*, and ſeem to be thoſe of a leſs ſervile Condition, who had a *Bord*, or Cottage, with a ſmall Parcel of Land allowed to them, on Condition they ſhould ſupply the Lord with Poultry and Eggs, and other ſmall Proviſions for his *Bord*, or Entertainment.

Bordel, Lat. *Bordellum.* At firſt it ſignified any ſmall Cottage, whieh growing infamous for a licentious Ale-houſe, and the common Habitation of Proſtitutes; thence by Degrees a *Bordel*, or by *Metatheſis* a **Brodel**; *Brothel* and *Brothel-houſe* came to ſignify a lewd Place, a Stews. From which *Femme-bordelier*, a common Whore. Henee in *Chaucer*, a *Borel-man*, Contraction of *Brothelman*, a looſe idle Fellow; and *Borel-folks*, Drunkards, and Epicures, which the *Scotch* now call *Buriel-Folk.* In the Dialogue between *Dives* and *Pauper*, Printed in *Lond.* 1493.——*Dives.* 'And 'I dreade me that full oftein by ſuch feyres 'Gooddes Houſe is made a Tavern of Gluttons, 'and a *Bordel* of Leychours.

Board-halfpenny, (Sax. *Board*, *Tabula*, and *Halpenny*, *Obolus*) is Money paid in Fairs and Markets for ſetting up Tables, *Boards*, and Stalls, for Sale of Wares. *In antiquis Chartis multi immunes fiunt ab iſta ſolutione*, ſays *Spelman.* It is corruptly written, *Borthalpeny* and *Brodhalpeny* in ſome Authors.

Bord-lands, the *Lands* whieh Lords keep in their Hands for the Maintenance of their *Board* or Table. *Eſt Dominicum quod quis habet ad menſam ſuam & proprie, ſicut ſunt* Bord-lands *Anglice*, i. e. *Dominicum ad menſam.* Bract. lib. 4. tract. 3. e. 9. num. 5. Whieh Poſſeſſion was anciently termed *Bordage.* Sax. *Dict. verbo Bord.* And the *Bordarii* (often mentioned in *Domeſday*) were ſuch as held

those Lands which we now call *Demain Lands*. See *Antiq. of Purveyance, fol.* 49.

Bordlode, The Firm, or Quantity of Food, or Provision, which the *Bordarii*, or *Bord-men* payed for their *Bord-Lands*. The old *Scots* had the Term of *Burd*, and *Meet-Burd*, for Victuals and Provisions; and *Burden-Sack*, for a Sack full of Provender. From whence probably comes our *English* Burden at first; only a Load of Meat and Drink: Which we seem still to retain in the Proverb, *He has got his* Burden, *i. e.* as much Drink as he can bear, or carry off. *Bordlode* was also a Service required of the Tenant to carry Timber out of the Woods of the Lord to his House.

Bord-Service is a Tenure of *Bord-lands*; by which some Lands in the Manor of *Fulham, in Com. Middlesex*, and elsewhere, are held of the Bishop of *London*, and the Tenants do now pay six Pence *per* Acre in Lieu of finding Provisions anciently for their Lord's Board or Table.

Borgbryech, or *Burgh-Brych*. The Breach or Violation of Suretyship, or Pledge or mutual Fidelity among the *Saxons*.

Borow or **Borough**. In Latin *Burgus, Burgum*; may be derived either from the French *burg*, i. e. *pagus*; or from the Saxon *borhoe, pignus:* It signifies with us a Corporate Town, that is not a City, 2 *E.* 3. *cap.* 3. namely, such as send Burgesses to the Parliament. whose Number you may see in *Cromp. Jurisd. fol.* 24. It may probably be conjectured, That anciently it was taken for those Companies consisting of ten Families, which were to be Pledges for one another. See *Bract. lib.* 3. *tract.* 2. *cap.* 10. See *Head-borow*, and *Borow-head*; and *Lamb. Duty of Const.* pag. 8. *Lyndewode* upon the Provincial, (*ut singula de sensibus*) speaks to this Effect, *Aliqui interpretantur* Burgum *esse castrum, vel locum ubi sunt crebra castra, vel dicitur* Burgus, *ubi sunt per limites habitacula plura constituta*; but afterwards defines it thus, Burgus *dici potest Villa quæcunque, alia a Civitate, in qua est Universitas approbata.* Some derive it from the Greek Word πυργος, that is, *Turris*. See *Skene de verb. signif. Vergestan*, in his Resolution of decay'd Intelligences, saith, That *Burg* or *Burgh*, whereof we take our *Borough*, metaphorically signifies a Town having a Wall, or some Kind of Closure about it. All Places that in old Time had amongst our Ancestors the Name of *Borough*, were one way or other fenc'd or fortify'd. *Lit. sect.* 164. Yet sometimes this Word is used for *Villa insignior*, or Country-Town of more than ordinary Note, not walled.

Borow-English, Is a Customary Descent of Lands or Tenements, whereby in all Places where this Custom holds, Lands and Tenements descend to the youngest Son; or if the Owner of Land have no Issue, then to the younger Brother: As in *Edmunton*, some Part of *Richmond*, and other Places. *Kitchin, fol.* 102. And the Reason of this Custom, (says *Littleton*) is, for that the Youngest is presumed in Law to be least able to shift for himself.

Borow-head, *alias* Head-borough, *Capitalis Plegius*, made up of *Borhoe*, a Pledge, and *Head. Lamb. Duty of Constables*; where in the Explication of this and other *Saxon* Words of that Nature, he rehearseth some ancient Customs of *England*, during the Reign of the *Saxon*. This *Borow-head* was the Chief Man of the *Decury*, elected by the rest to speak, and do in their Behalfs those Things that concerned them. See *Borow-holders*.

Borow-holders *alias Borsholders*, be *quasi Borhoe-ealders*, and signifieth the same Officers that be called *Borow-heads. Lamb. Duty of Const. Bracton* calleth them *Borghy-Aldere, lib.* 3. *tract.* 2. *c.* 10.

Borow Goods devisable, I find these Words in the Statute of *Acton Burnel.* 11 *E.* 1. *c. unico:* And suppose that as before the Statute of 32 & 34 *H.* 8. no Lands were devisable at the Common Law, but in ancient Baronies; so perhaps at the Making the Statute of *Acton Burnel*, it was doubtful, whether Goods were devisable but in ancient *Borows:* For it seemeth by the Writ *De rationabili parte bonorum*, that anciently the Goods of a Man were partible between his Wife and Children.

Borrel-Folk, *i. e.* Country People, from the Fr. *Boure*, i. e. *Floccus*: Because they covered their Heads with such Stuff. *Chau. Fab. of the Apparitor, fol.* 43.

Borsholder, the same with *Headborough*, from the Sax. *Borhee Ealder*, i. e. *Fidejussor primarius.*

Borthal-peny. See *Bord-halpeny.*

Borwhal-peny, The same Duty with *Bord-peny* In the Charter of *Hen.* 1. to the Church of St. *Peter, York, Canonici & homines eorum sint quieti de* ——Leyrwyte, Hengewyte, & Wardepeny, & Borwhalpeny, & *de omnibus auxiliis Vicecomitum, &c. MS.*

Boscage (*Boscagium*) is used for that Food which Wood and Trees yield to Cattle, Mast: From the Ital. *Bosco, Sylva.* Howbeit *Manwood* says, To be quit *de Boscagio*, is to be discharged of paying any Duty of Wind-fall-Wood in the Forest; it may be derived from the Greek Word βοσκειν, *Pascere.*

Boscaria, May be either Wood-Houses, from *Boscus*; or Ox-houses, from *bos. Ut ipsi possint domus &* Boscaria *satis competentia adificare.* Mon. Angl. 2. pa. fol. 302.

Boscus is an ancient Word used in the Law of *England*, for all Manner of Wood. The *Italians* use *Bosco* in the same Sense, and the *French, Bois. Boscus* is divided into High Wood or Timber, (*Haut-bois*), and Coppice or Under-Wood, (*Sous-bois*) High Wood is properly called *Saltus*, and in *Fleta, Maeremium* ——*Cum una Carecta de mortuo* Bosco. Pat. 10. *H.* 6. par. 1. m. 4. *per Inspect.*

Bosinnus, A certain rustical Pipe: By Inquisition after the Death of *Laurence Hastings*, Earl of *Pembroke.* 22 *E.* 3. the Manor of *Aston Cantlow, in Com. War.* is returned to be held *in Capite* of the King, by these Words, *Quod quidem Manerium per se tenetur de Domino Rege in Capite per servitium inveniendi unum hominem Peditem, cum quodam Arcu sine Corda, cum uno* Bosinno *sine cappa, &c.* Ex Record. Tur. Lond.

Bostar, *i. e.* an Ox-stall. 'Tis mentioned in *Mat. Paris. Anno* 1234. and in *Ingulphus, Fecit tum borrea*, Bostaria, *Ovilia, &c.*

Bota, A Boot or Shoe, that was the particular Calceature of the Monks. In some astronomical Fragments of *John de Wallingford*, we see the Picture of the Author, with this Distich:

Tonsio larga comæ, nigra vestis, Bota rotunda.
Non faciunt Monachum, sed mens a crimine munda.
MS. Cotton, *Jul. D.* 6.

Bote, Signifieth Compensation, Recompence, Satisfaction, or Amends. *Lamb.* Explicat. *Sax.* Words: Thence cometh *Manbote, (alias) Monbote*, that

that is, Compenſation or Amends for a Man ſlain, which was bound to another. In K. *Ina*'s Laws, ſet out by Mr. *Lambard*, *ca.* 96. is declared what Rate was ordained for the Expiation of this Offence. Hence alſo comes our common Phraſe, To give to *Boot*, that is, *Compenſationis gratia*. See *Skene de verb. ſignif.* Tit. *Bote*. See alſo *Hedge-bote*, *Plow-bote*, *Houſe-bote*, *Theft-bote*, &c. in their proper Places.

Boteleſs, In the Charter of *Hen.* 1. to *Thomas* Archbiſhop of *York*, it is ſaid, That no Judgment or Sum of Money ſhall *acquit* him that commits Sacrilege; but he is in *Engliſh* called *Boteleſs*, *i. e.* without Emendation. *Lib. albus penes Cap. de Suthnet. Int. Plac. Trin.* 12 *Ed.* 2. *Ebor.* 48. We retain the Word ſtill in common Speech. See *Fridſtol.*

Botericia, Buttereſs. ——*Rex*——*Sciatis quod conceſſimus*——Johanni de Chiſhull, *Decano S.* Pauli Lond. *Theſaurario noſtro qd' ipſe & ſoc. ſui Decani ejuſdem Eccleſiæ*, ——*in perpetuum habeant & teneant libere & quiete duas columpnas* botericias, *quas idem Decanus fieri fecit a parte auſtrali Capellæ ſuæ*—— 9 Jun. Pat. 35 H. 3. m. 14.

Botellaria, a Buttery or Cellar, in which the Butts and Bottles of Wine, and other Liquors are repoſited.——*Veniet ad Palatium Regis, & ibit in* botellarium, *& extrabet a quocunque vaſe in dicta* botellaria *invento, vinum quantum viderit neceſſarium pro factura unius picheri claretti.* ——An. 31 E. 3.

Bothæ, A Booth or Tent to ſtand in, in Fairs or Markets. ——*Et duas menſuras liberas ad* Bothas *ſuas faciendas.* Mon. Angl. 2. Par. f. 132.

Bothagium, Boothage, or cuſtomary dues paid to the Lord of the Manor or Soil, for the Pitching and Standing of Booths, in a Market or Fair.——19 *H.* 6. *Rex conceſſit* Rob. Broke —— Picagium, Stallagium, Bothagium, & Tollagium, *una cum aſſiſa panis & cereviſiæ de Novo Mercato infra Villam de* Bureheſter, *Com.* Oxon. Paroch. Antiq. pag. 680. For the Original of the Word, from the old Gallic *bouts*, Leather Jacks, ſee Mr. *Kennet*'s Gloſſary.

Bothna, buthna, buthena, Seems to be a Park where Cattle are inclos'd and fed: *Hector Boetius*, *lib.* 7. *ca.* 123. *n.* 35. And *Aul. Gell. lib.* 11. *cap.* 1. *Bothena* alſo ſignifies a Barony, Lordſhip, or Sheriffwick. And *Domini Bothenæ*, are Lords of the Barony, Manor, &c. *Skene, de verb. ſignif.*

Bottler of the King. (*Pincerna Regis*, *Anno* 43 *Ed.* 3. *cap.* 3.) is an Officer that provides the King's Wines, who (according to *Fleta. Lib.* 2. *cap.* 21.) may by Virtue of his Office, out of every Ship laden with Sale-Wines, *Unum dolium eligere in prora navis ad opus Regis, & aliud in puppe, & pro qualibet pecia reddere tantum* 20 *ſolid. Mercatori. Si autem plura inde habere voluerit, bene licebit, dum tamen pretium fide dignorum judicio pro Rege apponatur.*

Bottomry, or **Bottomary**, (*Fœnus nauticum*, *Anno* 16 *Car.* 2. *cap.* 6.) is when the Maſter of a Ship borrows Money upon the Keel or Bottom of his Ship, and binds the Ship it ſelf, That if the Money be not paid by the Day aſſigned, the Creditor ſhall have the Ship. *Ceo* Bottomage *eſt quand argent eſt borrow ſur Keil del Neif, & le Neif oblige al payment de ceo. Viz. Si ne ſoit pay al temps, que l'auter averra le Neif.* Latch's Rep. fol. 252. *Scarborough*'s Caſe.

Others define it thus; when *I. S.* lends Money to a Merchant, who wants it to traffick, and is to be paid a greater Sum at the Return of the Ship, ſtanding to the Hazard of the Voyage; and though the Profit be above the lawful Intereſt, it is not reckoned Uſury.

Bovata terræ is as much as one Ox can plough in a Year: *Octo* bovatæ *terræ faciunt carucatam terræ, octo carucatæ faciunt unum Feodum Militis.* 28 *acræ faciunt* Bovatam *terræ.* Mr. S. in notis in Statut. —— *Cujus ſingulæ* Bovatæ *ſunt quindecim acræ terræ.* Mon. Angl. par. 3. fol. 91. b. See *Oxgang.*

Bouche of Court, or (as the Vulgar call it) **Buque of Court**, is to have Meat and Drink ſcot-free there: For ſo is the Fr. *Avoir Bouche a la Cour*, to be in Ordinary at *Court.* Sometimes it is extended only to Bread, Beer, and Wine. And this was anciently in Uſe as well in the Houſes of Noblemen, as in the King's *Court*; as appears by this Indenture.

CESTE Endenture fait parentre les Nobles hommes Monſieur Tho. Beauchamp, *Counte de Warwyke, d une part, & Monſieur* Joh. Ruſſel *de Strengeſham Chivalier d'auter part, teſmoigne, que le dit Monſieur* Johan. *eſt demeure ove le dit Counte pur terme de ſa vie, pur la pees & pur guerre, & prendra pur la pees du dit Counte annuelement vynt livres, de la vie du dit Monſieur* Johan, *del Manoir le dit Counte de Chedworth en le Countee de Glouceſter, & pur la guerre quarant livres, & ſerra paie annuelement es termes de la Nativitee Seinte* John *le Baptiſte & de Nowel per ovels portiones des iſſues du dit Manoir de Chedworth, per les mains del gardein de meſme le Manoir, & avera le dit Monſ.* Johan *pur la pees, quant il ſerra maunde de venir al dit Counte,* Bouche au Cour *pur lui meſme, un Chamberlein & un Garſon, feyn, provendre &* Ferrure *pur trois Chivaulx pur la temps de ſa demoure, Et pur la guerre le dit Monſ.* Johan *Mountra lui meſme convenablement, & avera* Bouche au Cour, *ou liverie pur lui meſme, un Chamberlein & trois Garſons, ou gages al afferant & feyn, provendre &* Ferrure *pur cynk chivaulx en manere come autre de ſon eſtat, ove le dit Counte, prendront. Et ſi il preigne priſoner, ſoit entre le dit Counte & le dit Monſ.* Johan, *ſi come il fait parentre lui & autres Bachilers de ſa retenue pur terme de vie. Et voet & grante le dit Counte per ceſtes preſentes Lettres, que ſi la dite rent annuele de* xxl. *pur la pees, ou de* xll. *pur la guerre ſoit a derere & nyent paye pur un moy apres aſcun des termes avantditz, que bien liſe au dit Monſ.* Johan *ou ſon Attornie en celle partie en le dit Manoir de Chedworth deſtreindre pur les arrearages de la dite rent, &c. Donne a noſtre Chaſtel de Warwyke le* xxix. *jour del moys de Marcz l'an du regne le Roy* Richard Second, *puis le Conqueſt, ſiſme.*

This *Bouche of Court* was alſo an Allowance of Diet, or Belly-proviſion from the King, or Superior Lord, to their Knights, Eſquires, and other Retinue, that attended them in any military Expedition: From the French *bouche*, a Mouth; or rather from the Gall. *boughs*, Lat. *bulga*, Engl. *budget*, of *Britiſh* original; for the *Welſh* uſe *bolgan*, and the *Iriſh bolgy*, by Metaphor, for *bellows.* See Mr. *Kennet*'s Gloſſary to Paroch. Antiq.

Boveria, or **Bovcrium**, An Ox-houſe, or Ox-ſtall, *Loca ubi ſtabulantur* boves; according to Gloſſ. in X Script. And *Mon. Angl.* 2. *parn. f.* 210. hath theſe Words,——*Ad faciendum ibi* boverias *ſuas, & alias domos uſibus ſuis neceſſariis.* The *Scotch* now

now call a Cow-houſe a *byer*, as in the Ballad of Chriſt Kirk on the Green, ——*The bolt flew over the* Byer.

Boverton, in *Glamorganſhire*. See *Bovium*.

Bovium, The Town in *Wales*, ſo called by the Ancients, is now known by the Name of *Boverton*.

Bovertus, A young Steer, or Bullock, caſtrated. Unus bovertus mas, *quatuor boviculæ fœminæ*. Paroch. Antiq. p. 287.

Bovicula, An Heifer or young Cow, which in the Eaſt-Riding of *Yorkſhire* they call a *Whee*, or *Whey*. —— *Poſſunt ſuſtentari ſexdecim vaccæ, & unus taurus cum* boviculis. Paroch. Antiq. pag. 495.

Bound, or **Boundary**, (*Bunda*)——*Secundum metas, meras*, bundas, & *Marchias Foreſtæ*, 18 *Ed.* 3. *Itin. Pick. fol.* 6. Sir *Edward Coke*, in 4 *Inſt. fol.* 318. derives it from the Saxon *Bunna*; but the *Saxon* Dictionary affords no ſuch Word.

Bow-bearer is an Under-Officer of the Foreſt. whoſe Oath will inform you the Nature of his Office, in theſe Words:

I *Will true Man be to the Maſter of this Foreſt, and to his Lieutenant; and in their Abſence I ſhall truly over-ſee, and true Inquiſition make, as well of ſworn Men as unſwern in every Bailiwick, both in the North Bail and South Bail of this Foreſt, and of all manner of Treſpaſs done, either to Vert or Veniſon; I ſhall truly endeavour to attach, or cauſe them to be attached, in the next Court of Attachment, there to be preſented, without any Concealment had to my Knowledge.* So help me God. Crompt. Juriſd. fol. 201.

Bozones. See *Buſones*.

Braceletts, Hounds, or rather Beagles of the ſmaller and ſlower Kind. —— *Rex conſtituit* J. L. *Magiſtrum canum ſuorum vocatorum* Braceletts, *dans ei licentiam experiendi eoſdem canes, necnon habendi & faciendi cum eis ſectas ad quaſcunque beſtias infra foreſtas & chaceas ſuas prout ſibi fore videbitur faciendum pro expeditione & informatione dictorum canum.*——Pat. 1. Ric. 2. p. 2. m. 21.

Bracenarius, (Fr. *Braconier*) The Huntſman Maſter of the Hounds.——*Rex mandat Baronibus quod allocent* Rob. de Chademoth *Vicecom.* Lincoln. *lvi. s. vii. d. quos per præceptum Regis liberavit* Joh. de Bellovento *pro putura ſeptem Leporariorum, & trium falconum & Lanerar. & pro vadiis unius* Bracenarii, *a die S.* Joh. Bapt. *An.* 14 *uſque ad vigil. S.* Mich. *prox. ſequent. utroque die computato, viz. pro putura cujuſlibet Leporarii & Falconis* 1 *d. ob. & pro vadiis prædicti* Bracenarii *per diem* 11 *d.*——Comput. de Anno 26 *Ed.* 1. Rot. 10. in dorſo.

Bracetus, *Brachetus*, Fr. *Brachet*. *Braco Canis ſagax, indagator Leporum.* Fr. *Brac.* So as *Braco* was properly the large Fleet Hound, *Brachetus* was the Beagle or ſmaller Hound: *Bracheta*, the Bitch in that Kind.—— *Cart. Hen.* 2. *Reg. Ang.* —— *Concedi eis duos leporarios, & quatuor* bracetos *ad leporem capiendum.* Mon. Angl. tom. 2. p. 283.

Bracheta, *Canis fœmina, quæ Leporem vel Vulpem ex odore perſequitur, vulgo* a **Bratche**, Gal. *Brachet.* —— *Et duos Leporarios & quatuor* Brachetas *ad capiendum Leporem & Vulpem.* Charta 11 Ed. 2.

Bracina, a Brew-houſe: *MS. penes* Wil. Dugdale, *Mil.*

Bracinum, a Brewing: The whole Quantity of Ale brewed at one Time, for which *Tolſeſter* was paid to the Lord in ſome Manors.

Brage, *Broughton* in *Hampſhire*.

Brampton. See *Bremenium*.

Brancaſter. See *Branodunium*.

Brandy, a Kind of Spirit, or Strong-water, made chiefly in *France*, and extracted from the Lees of Wine or Cyder, mentioned in the Act 20 *Car.* 2. *cap.* 1. Upon an Argument in the *Exchequer*, *Anno* 1668. whether *Brandy* were a *Strong-water* or *Spirit*, it was reſolved to be a *Spirit*. But 25 *Novem.* 1669. by a Grand Committee of the whole *Houſe of Commons*, it was voted to be a *Strong-water*, perfectly made. See the Statute in Purſuance thereof. 22 *Car.* 2. *cap.* 4.

Branodunium, *Brancaſter* in *Norfolk*.

Branogenium, *Worceſter*.

Braſiare. *Cujuſcunque Uxor* Braſiabat *intus & extra civitatem Hereſ. dabat* x *denarios.* Domeſday. To Brew.

Braſiatrix, a She Brewer. *Siqua* Braſiatrix *braſiaverit Cerviſiam*, ſolvet *Tolſeſter. Reg. Priorat de Thurgarton.*

Braſina, or **Bracina**, and *Braſinaria*, a Brew-houſe.

Braſium, Malt. In the ancient Statutes *Braſiator* is taken for a Brewer, from the Fr. *Braſſeur*; and at this Day alſo for a Malſter or Malt-maker. It was adjudged, 18 *Ed.* 2. *Quod venditio* Braſii *non eſt venditio Victualium, nec debet puniri ſicut venditio Panis, & Cerviſiæ & hujuſmodi contra formam Statuti.* To make Malt (Inland Malt) was a Service paid by ſome Tenants to their Lord. *In manerio de Pidington quilibet virgarius præparabit Domino unum quarterium* Braſini *per annum, ſi Dominus inveniet boſcum ad ſiccandum.* Paroch. Antiq. p. 496.

Braſton, Was a famous Lawyer of this Land, renowned for his Knowledge both in the Common and Civil Laws, as appeareth by his Books every where extant. He lived in the Days of *Henry* III. *Staundf. præf. fol.* 5. *b.* And as ſome ſay, was Lord Chief Juſtice of *England*.

Brathis, Sax. *broth*, Broth or Pottage. —— *Conceſſi totum feodum meum de pincernaria* Glaſtoniæ ——*cum pertinentiis, ut in pane, vino, & cereviſia, carne, piſce, ſive alio quocunque genere companagii, ſive leguminis, jus*, brathia, & *aliis quibuſcunque ad feodum pertinentibus.* Cartular. Abbat. Glaſton. MS. f. 74. a.

Breach Carnium. By *Breach Carnium*, *Thomas Crew*, Maſter of the Hoſpital of St. *John Baptiſt*, without the North-gate at *Cheſter*, claims *Quod omnes Tenentes ſui infra eorum libertates reſidentes ſint quieti de venditione carnium.* Pla. in Itin. apud Ceſt. 14 H. 7.

Bread of Treat or **Trite**, *Panis Triciti*, Is one of thoſe Sorts of *Bread* mentioned in the Statute *of Aſſiſe* of *Bread and Ale*, 51 H. 3. *Stat.* 1. where you may read of Waſtel *Bread*, Cocket *Bread*, and *Bread of Treat*, which may anſwer to three Sorts now in Uſe with us called White, Wheaten, and Houſhold *Bread*. Heretofore in Religious Houſes they diſtinguiſhed *Bread* by theſe ſeveral Names; *Panis Armigerorum*, *Panis Conventualis*, *Panis Puerorum*, and *Panis Famulorum*. See *Cocket*.

Breca, A Breach or Decay, or any other want of Repair. I have ſeen a Deed, with Covenant for Repairing, —— *Muros &* breccas *portas & foſſatas caſtelli*,——*ſine dat.*—— *de* brecca *aquæ*

inter

inter Wolwich & Greenwich *supervidend.* Pat. 16 R. 2. Dorſ.

Brede, Signifieth broad; *Bracton* uſeth this Word, *lib.* 3. *tract.* 2. *cap.* 15. *nu.* 7. proverbially thus, *Too large, and too brede*; that is too long, and *too broad.*

Brede is alſo a *Saxon* Word, and ſignifies *Deceit. Teſtimonium eſt & cognitio quod ibi* Brede *ſit. Leges Canuti*, Par. 2. cap. 22.

Bredgurna. What we now call Bridegroom.

Bredewite, Sax. *bread*, and *Wite*, a Fine or Penalty. So as *Bredwite* ſeems to have been the Impoſition of Fines or Amercements for Defaults in the Aſſiſe of Bread. To be exempt from that Penalty, was a ſpecial Privilege granted to the Tenants of the Honour of *Wallingford*, by King *Hen.* II. *Ut quieti ſint de hidagio &* blodewite, & bredewite. Paroch. Antiq. p. 114.

Brehon, The *Iriſh* call their Judges *Brehones*, and conſequently the *Iriſh* Law is termed *Brehon Law.* See 4 *Inſt. fol.* 358.

Breiſna, Weather-Sheep. *Concedo Deo & monachis* 30 *Breiſnas ſingulis Annis.* Monaſt. Tom. 1. cap. 406.

Bremenium, *Brampton* in *Northumberland.*

Brementuracum, *Brumpton* in *Cumberland.*

Brenagium, the Payment in Bran, which the Tenant was to make to feed the Lord's Hounds.

Brentwood. See *Cæſaromagus.*

Bretoyſe, or **Bretois**: —— *Sciant——quod ergo Henricus de Penebrugge Dedi——Omnibus liberis Burgenſibus meis Burgi mei de Penebrugge omnes libertates & liberas conſuetudines* ſecundum legem de Bretoyſe *nundinis & feriis appertin. ſecundum tenorem Chartæ Domini Henrici Regis quam habeo. Habendum, &c.* Sine dat. *Secundum legem* de Bretoyſe, muſt certainly ſignify *Legem Marchiarum*; or, The Law of the *Britains* or *Welſhmen*: For *Penebrugge* (now *Pembridge*) is a Town in *Herefordſhire*, bordering upon *Wales.*

Brettenham. See *Cambretonium.*

Breve, Which haply may be ſo called from the *Brevity* of it, is any Writ directed either to the Chancellor, Judges, Sheriffs, or other Officers, whoſe Variety and Forms, you may ſee in the Regiſter *per totum.* The Word is uſed in the Civil Law according to ſeveral Senſes. See *Skene de verb. ſignif. verb.* Breve. And *Bracton*, l. 5. tract. 5. cap. 17. num. 2. Breve, *quia* breviter & *paucis verbis intentionem proferentis exponit, &c.* Any Writ or Precept from the King, was called *Breve*, which we ſtill retain in the Name of *Brief*, the King's Letters Patent to poor Sufferers, for Collection.

Breve perquirere, To purchaſe a Writ or Licenſe of Trial in the King's Court, by the Plaintiff, *qui* breve *perquiſivit.* Hence the preſent Uſage of paying ſix Shillings and eight Pence, where the Debt is forty Pounds and ten Shillings, where the Debt is 100*l.* and ſo upwards, in Suits of Money due upon Bond.

Breve de Recto, A Writ of Right, or Licenſe for a Perſon ejected, to ſue for the Poſſeſſion of an Eſtate detained from him.

Brevibus & Rotulis liberandis, Is a Writ or Mandat to a Sheriff, to deliver unto the new Sheriff, choſen in his Room, the County, with the Appurtenances, *una cum Rotulis, Brevibus*; and all other Things belonging to that Office. *Reg. Orig. fol.* 295. *a.*

Bribery, Is a high Offence, *viz.* when any Man in a judicial Place, or any great Officer, takes any Fee, Penſion, Gift, or Reward, for doing his Office, of any Perſon, ſave the King only. *Forteſcue, cap.* 51. and 3 *Inſt. fol.* 145.

Briboes, Cometh of the French *Bribeur*, i. e. *Mendicus*: It ſeemeth in a legal Signification one that pilfereth other Mens Goods, as Cloaths out of a Window, or the like. *Anno* 28 *Ed.* 2. *Stat.* 1. *cap. unico.*

Bricheminus. *Idem quod Chimine, Anglice* a Way, *in piſcariis & mariſcis in* Bricheminis *& femitis.* Du Cange.

Bricolls, an Engine, by which they beat down Walls.

Brief (*Breve*) ſignifies a Writ, whereby a Man is ſummoned or attached to anſwer any Action; or (more largely) any Writ in Writing, iſſuing out of any of the King's Courts of Record at *Weſtminſter*, whereby any Thing is commanded to be done in order to Juſtice, or the King's Command, and is called a *Brief*, or *Breve: Quia* Breviter & *paucis verbis intentionem proferentis exponit & explanat, ſicut regula juris rem quæ eſt* Breviter *enarrat*, ſays *Bracton, lib.* 5. *Tract.* 5. *cap.* 17. *num.* 2. Alſo Letters Patent, or a Licence from the King or Privy Council, granted to any Subject to make a Collection for any publick or private Loſs, is commonly ſtiled a *Brief.* See *Writ.*

Briga, French *Brigue*, that is, Strife or Contention. *Et poſuit terram in* Brigam, *& intricavit terram; ſcilicet, per diverſa fraudulenta feoffamenta. Ideo committitur Mareſchallo, &c. Ebor. Hill.* 18 *Ed.* 3. *Rot.* 28.

Brigandine, (*Fr.*) a Coat of Mail, or a Faſhion of ancient Armour, conſiſting of many jointed and ſcale-like Plates, very pliant unto and eaſy for the Body, mentioned *Anno* 4 & 5 *Phil. & Mar. cap.* 2. Some confound it with *Haubergeon*; and ſome with *Brigantine*, (in Writing which there is only the *d* turned into *t*) which ſignifies a low, long, and ſwift Sea Veſſel, having ſome twelve or thirteen Oars on a Side.

Brigantes, *Yorkſhire, Lancaſhire*, Biſhoprick of *Durham, Weſtmorland*, and *Cumberland.*

Brigbote, or **Brugbote**, *Eſt quietum eſſe de auxilio dando ad reficiendum Pontes.* Fleta. lib. 1. cap. 47. It is compounded of *brig*, a Bridge; and *bote*, a Compenſation or Yielding of Amends. See *Bote*, and *Bruckbote. Selden's* Titles of Honour, *fol.* 622.

Brithol, King *Hen.* III. in a Charter to the Citizens of *Lond.* dated 16 *Mart. An. Regn.* XI. —— *Ad emendationem Civitatis* London, *eis conceſſimus, quod omnes ſint quieti de* Brithol, *& de* Childwite, *& de* Jerſigne, *& de* Scotal, —— Placit. temp. Ed. I. & Ed. II. MS. fol. 143. b. *Penes Dom. Fountains.*

Britton, Was a famous Lawyer, that lived in the Days of King *Edward* the Firſt, at whoſe Command, and by whoſo Authority, he Writ a Learned Book of the Law of this Realm: The Tenor runneth in the King's Name, as if it had been penned by himſelf, anſwerably to the Inſtitutions which *Juſtinian* aſſumeth to himſelf, though compoſed by others. *Staundf. prær. fol.* 6, & 21. Sir *Edward Coke* ſaith, That this *Britton* writ his Book in the fiftieth Year of *Edward* the Firſt. *Lib.* 4. *fol.* 126. *a. & lib.* 6. *f.* 67. *a.* Mr. *Guin*, in his Preface, to his Reading, mentioneth, That this *John Britton* was Biſhop of *Hereford.*

Bro-

Brokage, Is commonly taken for the Wages, Hire or Trade of a *Broker*. In 12 *R.* 2. *cap.* 2. it is taken for the Means uſed by a Spokeſman. *An.* 1 *Jac. cap.* 21. it is written *Brokerage*. See alſo 11 *H.* 4. *n.* 28. not printed.

Brocella. —— *dedi unam* brocellam *vocatam* Rahag. Reg de Thurgaton. MS. Dr. *Thoroton* interprets it a Wood. I have not elſewhere met with the Word, nor know I whence to derive it. (So *Blount*). The Word did properly ſignify a Thicket or Covert of Buſhes, and Bruſh-wood; from the obſolete Lat. *bruſcia, bruſca, terra bruſcoſa, brocia*; French *broce, brocelle*. Hence our *brouce*, or *brouſe* of Wood, and *brouſing* of Cattle.

Brocha, An Awl, or large packing Needle, carried as a neceſſary Implement to mend Sacks, Saddles, and other Horſe-geer. From the French *Broche*, a Spit, which in ſome Parts of *England* is called a *Brocbe*. Whence to broach or pierce a Barrel: Lat. *Brocha, Brochia*, Gall. *Broches* Armour. *Brocen*, were ſharp wooden Stakes, which, as us'd upon the Sea-banks in *Romney-Marſh*, are called Needles. It is true the Learned *Spelman* did conjecture the Word *Brochia*, or *Brocha*, to be a Sort of Can or Pitcher, to hold liquid Things, as *Saccus* to carry dry Things; as it is rendred in the following Word *Brochia*. But it ſeems much rather to ſignify, as I have before explained it, an Awl, or a Needle. It was certainly an Iron Inſtrument, as in this Authority, —— Henricus de Havering *tenet manerium de* Morton, *Com.* Eſſex, *per Serjantiam inveniendi unum hominem, cum uno equo, pret. x. s. & quatuor ferris equorum, & uno ſacco de corio, & una* brochia *ferrea.* —— Anno 13 Ed. 1.

Brochia, (From the French *Broc, quod lagenam majorem aut Canthărum ſignificat*) A great Can or Pitcher. *Bracton, lib.* 2. *tract.* 1. *c.* 6. hath theſe Words, *Si quis teneat per ſervitium inveniendi Domino Regi, certis locis & temporibus, unum hominem & unum equum, & ſaccum cum* brochia, *pro aliqua neceſſitate vel utilitate exercitum ſuum contingente.* By which it ſeems that he intends *Saccus* to carry dry, and *Brochia* liquid Things. See *Saccus*, and *Brocha*.

Broders. This may take its Derivation from the French *Brodeur*, and that of *Bordure, Fimbria*, the Edge or Hem of a Garment, which we yet call *Border*, and that becauſe it is uſually diſtinguiſhed from the Reſt by ſome conceited or coſtly Work: He that worketh it, is known amongſt us by the Name of an *Embroiderer*.

Brodehalpeny, In ſome Copies *Broad-half-peny*, and in others *Bordhal-peny*. It ſignifies a ſmall Toll by Cuſtom paid to the Lord of the Town, for ſetting up of Tables, Booths, or Boards in Fairs or Markets: And thoſe that were freed by the King's Charter of this Cuſtom, had this Word put in their Letters Patent; by Reaſon whereof at this Day, the Freedom it ſelf, for Brevity of Speech, is called *Broad-halfpeny*. It ſeems to be derived of three *Saxon* Words, *bret* or *bred*, that is, a *Board*, and *halve*, that is in the behalf of, as we ſay in Latin (*cujus rei gratia*), and *penning*, a Toll, which in all makes a Toll in behalf of, or for a *Board*.

Broggars, from the Fr. *Bragard*, a gay, vain Perſon, who lives in Luxury, and that from the old *French* Word *Braguerie, i. e.* braving or ſwaggering.

Broggers. See *Brokers*.

Brok, An old Sort of Sword or Dagger, —— *Jurati dicunt ſuper Sacramentum, quod* Johannes de Monemne *Miles per* Robertum *Armigerum ſuum, percuſſit* Adam Gilberd *Capellanum de* Wilton, *in gutture, quodam gladio, qui dicitur* brok, *per quod propinquior erat morti, &c.* Rot. Parl. 35 *E.* 1.

Broke, Commonly called Sir *Robert Broke*, was a great Lawyer, and Lord Chief Juſtice in Queen *Mary*'s Time. *Cromp.* Juſtice of the Peace, *fol.* 22. *b.* He made an Abridgment of the whole Law, from him intituled *Broke's Abridgment*.

Brokers, (*Broccatores, Broccarii & Auxienarii*) are of two Sorts; the one an *Exchange-Broker*, whoſe Trade is to deal in Matters of Money and Merchandiſe between *Engliſhmen* and Stranger-Merchants, by drawing the Bargain to particulars, and the Parties to Concluſion; for which they have a Fee or Reward. Theſe are called *Broggers, Anno* 10 *R.* 2. *c.* 1. and in *Scotland Broccarii*, that is (according to *Skene*) Mediators or Intereceſſors in any Tranſaction, Paction, or Contract, as in Buying, Selling, or Contracts of Marriage. *Broggers of Corn* is uſed in a Proclamation of Queen *Elizabeth* for *Badgers*. *Baker's Chron. fol.* 411. He that would know what theſe *Brokers* were wont, and ought to be, let him read the Statute 1 *Jac. cap.* 21. The other is the *Pawn-Broker*, who commonly keeps a Shop, and lets out Money to poor and neceſſitous People upon Pawns, and not without Extortion for the moſt Part: Theſe are more properly called *Friperers* or *Pawn-takers*, and are not of that Antiquity or Credit as the Former; nor does the ſaid Statute allow them to be *Brokers*, though now commonly ſo called. The Original of the Word is *Sax.* viz. from *Breacan*, to break, and from thence comes *Brocod, i. e.* a Trader *broken*, or a Bankrupt, and that from *Broc*, which ſignifies Misfortune, which is often the true Reaſon of a Man's *breaking*; ſo that *Broker* came from one who was a *broken* Trader by Misfortune, and none but ſuch were formerly admitted to that Employment, and they were to be Freemen of the City of *London*, and allowed and approved by the Lord Mayor and Aldermen for their Ability and Honeſty, and they took an Oath to behave themſelves faithfully.

Brolſus, Bruiſed, or hurt with Blows, Wounds, or other Caſualties. —— *Mandatum eſt a Domino Rege, ne quis mattet* broſſas *beſtias in* Oxonia —— Clauſ. 12 *E.* 3. *P.* 3. *Dorſ.* 2.

Brothel-houſes. King *Henry* 8. by Proclamation 30 *March*, the thirty-ſeventh Year of his Reign, ſuppreſſed all the Stews, or *Brothel-houſes*, which long had continued on the Bank-ſide in *Southwark*, for that they were prohibited by the Law of God, and the Laws of the Land. 3 *Inſt. fol.* 205. and *Rot. Parl.* 14 *R.* 2. *n.* 32.

Bruarium and **Bruarium.** —— *Sciant quod ego Thomas de Eſtleya miles dedi* —— *totam terram meam de Morton, cum* Bruario *quod vocatur le* Chaleng. *Ex M. S. penes* Will. Dugdale *Arm.* Heath, or the Ground where Heath grows. See *Bruyere*.

Bruckbote, Is compounded of two *German* Words, *Bruck, Pons*, a Bridge, and *Bote, Compenſatio*, a Reward: It ſignifies with us a Tribute or Duty, towards the mending or re-edifying of Bridges, whereof many are freed by the King's Charter; and thereupon the Word is uſed for

the very Liberty or Exemption from this Tribute. See *Pontage*, and *Brigbote*.

Brudatus, Bordered, Embroidered. Ranulphus *Epiſcopus* Elienſis, *contulit Monachis quoddam veſtimentum croceum, cappam ſcilicet & caſulam cum dorſali imaginibus* brudato, *& duas tunicas——Albam bonam* brudatam *cum imaginibus.* Hiſt. Elien. apud Whartoni Angl. Sacr. P. 1. p. 604.

Bruella, Perhaps a little Wood, or heathy Ground —— *In Dominicis Boſcis Domini Epiſcopi, ſcil. in* bruellis *ex parte auſtrali Regii itineris.* Reg. Priorat. de Wermley, fol. 24.

Bruere, So we call that which the Latines Name *Erica*, and ſignifies Heath: Bruaria 2 *leucarum longitudine & latitudine*: Domeſday. *Hac autem appellatione forenſes vocant ſteriles campos licet Ericam non edant.* Spelman.

Brueria, Briars, Thorns, Bruſh, Heath; *a* Sax. *Brær*, Briar. *A. D.* 1434. *Humphry* Duke of *Glouceſter*, acknowledges the Foreſter of *Shotore* and *Stowode*, —— *tantum de arboribus & brueriis, quantum pro veſtura indiguerit* —— *habebit.* Paroch. Antiquit. p. 620. Hence Lat. *Brolium*, *broilum*, *briulum*, *Brullium*, a Hunting Chaſe, or Foreſt. *Bruillus*, *brogillus*, a Wood, a Grove. Fr. *Breil*, *breuil*, *breuille*, a Thicket or Clump of Trees, in a Park or Foreſt. Hence the Abbey of *Bruer*, in the Foreſt of *Wichwood*, *Com. Oxon.* and *Bruel*, *Brehul*, or *Brill*, a Hunting Seat of our ancient Kings in the Foreſt of *Bernwode. Com. Buck.*

Bruilletus, A ſmall Cops or Thicket, a little Wood. —— *Dedimus* Willielmo Briwer *licentiam claudendi duos* bruilletos, *qui ſunt extra regardum Foreſtæ noſtræ quorum unus eſt inter* Swinburn & Eſtorbrig. Cart. Ric. 1.

Bruneta, *i. e.* Died Cloth: *Viginti tunicæ de bono* bruneto: 'Tis ſometimes wrote *Burneta*, viz. *differentia inter* brunum *colorem* & burnetam; *brunus enim color poteſt fieri ex lana abſque tinctura*, viz. Ruſſetum: Burnetum *vero requirit tincturam & artificium hominis quoad colorem.* Lyndewode.

Brunettum. See *Burneta.*

Bruſcia, i. e. *Burnetum. Charta noſtra confirmavimus centum acras tam de terra quam de* Bruſcia *de manerio de Riveria.* Monaſt. Tom. 1. pag. 773. Sometimes it ſignifies a Wood.

Brusdus, **Brudatus**, *i. e.* embroidered: *Caſulam unam per totum* brudatam. Monaſt. 1 Tom. pag. 210. In ſome Books 'tis *Brullatus* and *Bruſlatus*, *ſeptem capas* Brullatas, Thorn, *Quinque capas ſericas auro* Bruſlatas. Monaſt. 301.

Brushment (*Charta Foreſtæ, cap.* 14.) Bruſhwood. *Sciatis nos dediſſe licentiam quatenus totam terram ſuam quæ ſita eſt infra metas foreſtæ de Rotelard, & quantum ibi habent Brullii poſſint excolere, & convertere ad terram arabilem.* Monaſt. pag. 952.

Brusua and **Brusula**, Browſe or Bruſhwood. *Mon. Ang.* 1 *par. f.* 773.

Brupere (Fr. *Bruyere*, Lat. *Bruyrium*, *erica*, *quaſi ericetum*) Heath and Heath-ground. *Paſtura xi quarentenarum & dimid. longitudine & latitudine.* Bruaria 2 *leucarum longitudine & latitudine.* Domeſd. Tit. *Dorſet. Eccleſ. Creneburn. Ingelingham. Hac autem appellatione Forenſes vocant ſteriles camporum ſolitudines, licet ericam non edant*, Heath-ground. *Spelm.*

Bucinus, A military Weapon for a Footman. ——Petrus de Chetwode *tenet* —— *per Serjantiam inveniendi unum hominem peditem, cum una lancea & uno* bucino *ferreo, per xl dies.* Tenures p. 74.

Bucklarium, A *Buckler.* —— *Et quod malefactores noctanter cum gladiis & bucklariis, ac aliis armis, &c.* Clauſ. 26 Ed. 1. m. 3. intus.

Buckſtall. —— *Et ſint quieti de Chevagio, Hondpeny*, Buckſtall, *& Triſtris, & de omnibus miſericordiis, &c.* Privileg. de Semplingham. By the Statute 19 *H.* 7. *ca.* 11. It ſeems to be a Deer-hay, Toil, or great Net to catch Deer with; which by the ſaid Statute is not to be kept by any Man that hath not a Park of his own, under Pain of 40 *l.*

To be quit of *Buckſtalls*, i. e. *Ubi homines convenire tenentur, ibidem convenire ad ſtableiam faciendam circa feras & ad eaſdem congregand. quietum eſſe de hoc ſervitio, quando Dominus chaceaverit.* 4 Inſt. f. 306.

Buck-wheat (Mentioned in the Stat. 15 *C.* 2. *c.* 5.) is otherwiſe called *French Wheat*, and well known. In *Eſſex* it is called *Brank*; in *Worceſterſhire*, *Crap.*

Budge, Lambs Fur.

Budge of Court. See *Bouche.*

Bugetum. —— *A. D.* 1313. 3. *Kal. Jan. Epiſc.* Bath. Well. *concedit annuam penſionem duarum marc. cum tertia parte unius panni de ſecta Clericorum noſtrorum, & una furura de* bugeto, *pro ſupertunica, & alia pro capucio.* Regiſt. Joh. Drokensford. Epiſc. Bath. Well.

Buggery, According to *Co. Rep.* 12 *pag.* 36. comes from the Italian *Buggerare.* It hath been defined to be *Carnalis copula contra naturam, & hæc vel per confuſionem Specierum, ſc.* a Man or Woman with a brute Beaſt; *vel Sexuum*, a Man with a Man, or a Woman with a Woman; ſee *Levit.* 18. 22, 23. This Offence committed either with Man or Beaſt, is Felony without the Benefit of the Clergy, being a Sin againſt God, Nature, and the Law, 25 *H.* 8. revived, *an.* 3 *Eliz.* 17. It was brought into *England* by the *Lombards*, as appears Rot. Parl. 50 *E.* 3. num. 58. See F. N. B. 269. and *Dalton.* In ancient Times ſuch Offenders were to be burned by the Common Law. This moſt deteſtable Sin was moſt juſtly excepted out of the Act of General Pardon, 12 *Car.* 2. *c.* 8. made after his Majeſty's Happy Reſtoration.

Bulga, *Bulgia*, A Budget, Port-manteau, or any other Continent for portable Goods. —— Bulgas *& manticas eorum efferri, & expilari juſſit.* Will. Malmesbur. de Geſtis Pontif. lib. 1. See *Bouche of Court.*

Bull, (*Bulla*, Ital. *Bolla*) was a Gold Ornament or Jewel for Children, hollow within, and made in Faſhion of a Heart, to hang about their Necks; but now it is moſt uſually taken for a Brief or Mandate of the Pope, or Biſhop of *Rome*, from the Lead or ſometimes golden Seal affixed thereto; which *Matthew Paris*, *Anno* 1237. thus deſcribes. *In* Bulla *Domini Papæ ſtat imago Pauli a dextris Crucis in medio* Bullæ *figurata, & Petri a ſiniſtris.* The Word is often uſed in our Statutes, as 28 *H.* 8. *c.* 16. 1 & 2 *Ph. & Mar. cap.* 8. and 13 *Eliz. cap.* 2. *Non ſolum ſigillum ſignificat imprimens & impreſſum, ſed ipſas etiam literas* bullatas *& interdum ſchedulam ſeu* bullam. *Miſit quoq; Archiepiſcopus* (Cantuariæ) *Regi & Concilio ſuo ſchedulam ſive* Bullam, *in hunc modum continentem, &c.* Spelm. *William de Brinkle* recovered by Verdict againſt *Otho*, Parſon of the Church of *Beſton*, 10 *l. Pro ſubtractione unius* Bullæ Papalis *de Ordinibus, alterius* Bullæ *de legitimatione, & tertiæ* Bullæ *de veniam exorantibus pro animabus anteceſſorum ſuorum.* Trin. 4 E. 3. Rot. 100. Bulla *olim ſigillum ſignificans.* Gloſſ.

in x Scriptores. *Per hanc Chartam* aurea Bulla *munitam.* Charta 15 Johannis, n. 31. intus. *Polyd. Virg. De Invent. rer. lib.* 8. says, that this Word seems to be derived from the Greek Βυλὴ, *consilium.*

Bullenger. The *Commons* petition, that certain Commissions issued to Cities, for preparing Boats and *Bullengers* may be repealed, the Parliament not having consented thereto. *Rot. Parl.* 2 *H.* 4. *n.* 22. See *Balenger.*

Bullion, Cometh of the French *Billon*, the Ore, or Metal whereof Gold is made: It signifieth with us Gold or Silver in Mass or Billet. 9 *E.* 3. *Stat.* 2. *cap.* 2. And sometimes the King's *Exchange*, or Place whither such Gold in the Lump is brought to be tried, or exchanged. *Au.* 27 *E.* 3. *Stat.* 2. *cap.* 14. 4 *H.* 4. 10. See *Skene de verbor. signif. verb.* Bullion. *Gervase of Tilbury* says, (writing of the Salt Springs in *Worcestershire*) That of old they called a certain Quantity of Salt, *Bullion.*

Bullitio Salis, As much Brine or *Salt*, as is made from one Boiling. What the Learned *Du Fresne* calls *Bullio*, and makes to be *Mensura Salinaria*, is no other than *bullitio*, one *Wealing* or *Boiling.* So are the *Bullones*, in Mon. Angl. tom. 2. 256. ——*De quatuor summis salis continentibus quadraginta* bullones, *pro dimidia salina sua.*—— *Rectius in libro consuali apud* Nantwich. —— *Octo putei salinarii reddebant Regi & Comiti singulis veneris diebus sexdecim* bullitiones.——The Measure seems uncertain, according to the Quantity of their Pits, Cisterns, &c. The last Ingenious Editor of *Cambden* thinks the *Bullitio Salis* might be the same with a *Barrow*, or Measure of twelve Gallons.

Bulness in *Cumberland.* See *Blatum.*

Bultel is the Refuse of the Meal after it is dressed by the Baker; also the Bag wherein it is dressed. I find the Word mentioned in *Assisa panis & cervisiæ. An.* 51 *H.* 3. Hence *Bulted Bread*, coarse Bread. This Word may be derived from the German *Beutel*, a Sieve, *beutelon*, to bolt or to sift: Gall. *Beluter* and *Bluter*; which *Menagius* fancies to have Affinity with the Lat. *Volutare*: Hence the Lat. *Bolendigarius* and *Bolengerius*: *Fl. Boulen*, *Fr. Boulenger*, a Baker, or Maker of Bread.

Bunda. See *Bounds.*

Burcheta (from the Fr. *Berche*) A kind of Gun, mentioned in the *Forest Records.*

Burcifer Regis, (*Pat.* 17 *H.* 8. *par.* 1. *m.* 2.) A Purse-bearer, or Keeper of the King's Privy Purse.

Burdare, *i. e.* To jest or trifle: 'Tis mentioned in *Knighton*, viz. *In tantum erat affabilis Regi, quod* burdando *petebat a Rege nundinas sibi concedi pro leporariis & canibus, &c.* So *in Matt. Paris. Addit. pag.* 149. *Quod nulli veniant ad turniandum, vel* burdandum, *nec ad alias quascunque Aventuras, &c.*

Burells. King Henry the Third granted to the Citizens of *London*, that they should not be vexed for the *Burels*, or Cloath listed according to the Constitution made for Breadth of Cloath, in the ninth Year of his Reign. See *Stow's* Survey of *Lond.* f. 297.

Burg, *Burgus.* See *Burgh* and *Borough.*

Burgage (*Burgagium*, Fr. *Bourgage*) is a Tenure proper to *Boroughs*, whereby the Inhabitants by ancient Custom, hold their Lands or Tenements of the King, or other Lord of the *Borough*, at a certain yearly Rent. It is a Kind of *Soccage*, says *Swinburn*, *p.* 3. *sect.* 3. *num.* 6. *Ad militiam non pertinet, habetur ideo inter ignobiles tenuras.* Mentioned 37 *H.* 8. *cap.* 20. *Item non utimur facere fidelitatem vel Servitium forinsecum Dominis feodorum pro terris & tenementis nostris, nisi tantummodo redditus nostros de eisdem terris exeuntes; quia tenemus terras & tenementa nostra per* Servitium Burgagii, *ita quod non habemus* Medium *inter nos & Dominum Regem* MS. Codex de LL. Statutis & Consuetud. Burgi-villæ Mountgomer. a temp. H. 2. *Burgage* was also anciently used for a Dwelling-house in a *Borough-Town.*

Sciant——*Quod ego Editha filia Johannis de Aula in ligea virginitate & potestate mea dedi* —— *Deo & Beatæ Mariæ & omnibus Sanctis & Eleemosynariæ Leominstr. pro salute Animæ meæ*——*In liberam, puram & perpetuam Eleemosynam totum illud* Burgagium *cum ædificiis & pertin. suis quod jacet in Villa Leominstr.* Ex libro chartarum Priorat. Leom.

Burgagium liberum was when the Tenants had paid their yearly Rent to the superior Lord, they were free from all other Services.

Burgbote, Compounded of *Burg*, *Castellum*, and *Bote Compensatio*, signifies a Tribute or Contribution towards the Building or Repairing of Castles or Walls of Defence, or toward the Edifying a Borough or City; from this divers had Exemption by the ancient Charters of the *Saxon* Kings, whereupon it is usually taken for the Exemption or Liberty it self, *Rast.* Exposition of Words. *Fleta*, says, *Significat quietantiam reparationis murorum Civitatis vel* Burgi, *lib.* 1. *c.* 47.

Burg-English. See *Borow-English.*

Burgemote, Sax. *Curia vel conventus* Burgi *vel Civitatis*; the *Borough-Court.* ——*Et habeatur in an. ter* Burgesmotus, *& Schiremotos bis, nisi sæpius sit, & interfit Episcopus & Aldermannus, & doceant ibi Dei rectum & seculi.* LL. Canuti. MS. cap. 44.

Burgesses (*Burgarii & Burgenses*) are properly Men of Trade, or the Inhabitants of a Borough or walled Town; yet we usually apply this Name to the Magistrates of such a Town, as the Bailiff and *Burgesses* of *Leominster.* But we do now usually call those *Burgesses* who serve in Parliament for any such Borough or Corporation. *Filius vero* Burgensis *ætatem habere tunc intelligitur, cum diserte sciverit Denarios numerare & pannos ulnare & alia paterna negotia similiter exercere.* Glanvile, lib. 7. cap. 9. In *Germany*, and other Countries, they confound *Burgess* and *Citizen*; but we distinguish them, as appears by the Statute 5 *R.* 2. *ca.* 4. where the Classes of this Common-wealth are thus enumerated. **Count, Baron, Banneret, Chivaleer de Countee, Citezein de Citee, Burgeis de Burgh.** See the Statute of *Merton*, *c.* 7. and *Coke on Litt. fol.* 80.

Burgh, Burh, Borough, are derived from the Saxon *Burgh*, i. e. *Oppidum, Castrum*; or rather from the *Goth.* Berg, *Rupes, Saxum*: For in ancient Times, Towns were built on Hills, and afterwards removed into Vales for the Scarcity of Water on Hills.

Burghbreech *alias* **Borghbrech** (Sax. *Burhbrice*, i. e. *Fidejussionis fractio, vel plegii violatio*) *Angli omnes decemvirali olim fidejussione pacem regiam stipulati sunt; quod autem in hanc commissum est,* Burghbrech *dicitur, ejusque cognitio & vindicta, Regiis Chartis, plurimis credebantur, pro quorum dignitate, multa alias levior fuit, alias gravior.* Vid. LL. Canuti, cap. 55. **Burghbrich,** i. e. *Læsio libertatis*

aut ſepti. Gallice, *bleſmure de Courte ou de cloſe.* Polychr. lib. 1. cap. 50.

Burgheriſth. —— *Iſtæ conſuetudines pertinent ad* Taunton, Burgeriſth, *Latrones, pacis infractio Hamfare, Denarii de Hun. & Denarii S.* Petri MS. Cambdeni, penes Will. Dugdale Armig. *quære.* The Word occurs in *Domeſday* Book, *ſub tit.* Somerſet. *Epiſ.* Winton. Tanton. *Iſtæ conſuetudines, &c.* So a Charter of *Edmund* King, *Anno* 944. in *Will. Malmesbury*, lib. 2. de Geſtis Rerum Angl. —— *Concedo Eccleſiæ S.* Mariæ —— *jura, conſuetudines, & forisfacturas,* — *i. e.* Burgheriſth & *hundred. Sethna, &c.* Mr. *Sommer* thinks it ſhould be *Burghbrich.*

Burghware (*q. burgi vir*) A Citizen or Burgeſs. *Willielmus Rex ſalutat Willielmum Epiſcopum & Goffredum Portgrefium & omnem* Burghware *infra London.* Charta Willielmi ſen. Londinenſibus confecta.

Burglary, *Burglaria*, Is compounded of two *French* Words, *Bourg*, *Pagus*, and *Larcin*, *furtum*, or *Laron*, *fur.* Co. lib. 4. fol. 39. It is in the legal Senſe defined to be, a felonious entring into another Man's Dwelling, wherein ſome Perſon is, or into a Church, in the Night-Time, to the End to commit ſome Felony, as to kill ſome Man, or to ſteal ſomewhat thence, or to do ſome other felonious Act, albeit he executes not the ſame. *Weſt, Symb. part* 2. Tit. *Indictments, ſect.* 56. *Burglary* in the natural Signification, is nothing but the Robbing of a Houſe; but as it is *Vox Artis*, the Lawyers reſtrain it to robbing a Houſe by Night, or breaking in with an Intent to rob or do ſome other Felony. The like Offence committed by Day, they call *Houſe-robbing*, by a peculiar Name. How many ways *Burglary* may be committed, ſee *Cromp.* Juſt. of Peace, fol. 28, 29, 30. and 3 *par. Inſt. fol.* 363. The Offenders ſhall not have Benefit of the Clergy. 18 *El.* 7.

Buri, *i. e.* Husbandmen. 'Tis mentioned in the *Monaſt.* 3 *Tom. pag.* 183, *viz. in Upton ſunt* 18 *Villani*, 11 *Bordarii*, & *duo* Buri & *Presbyteri.*

Burlimen. See *Sucking.*

Burneta, *i. e.* Cloath made of died Wool: *Brunus Color* may be made with Wool without dying, which we call Medlies or Ruſſet; but a burnet Colour muſt be died.

Burrochium, A *Burrock*, or ſmall Wear, where Wheels are lay'd in a River, for the Taking of Fiſh.

Burſa, A Purſe —— *Reddendo inde ad* Burſam *Abbatis, xvi. d. ad feſtum Sancti Michaelis, &c.* Ex lib. Cart. Priorat. Leom.

Burſaria, The *Burſery*, or Exchequer of Collegiate and Conventual Bodies, or Place of receiving, and paying, and accounting by the *Burſarii, Burſers. A. D.* 1277. *Computaverunt Patres* Radulphus de Meriton & Stephanus *de* Oxon. *de* burſaria *domus* Berneeſtre *coram Auditoribus.* Paroch. Antiq. p. 288.

Burſarii, This Word did not only ſignify the *Burſars* of a Convent or College, but formerly all Exhibitioners, or ſtipendiary Scholars at *Paris*, were called *Burſarii*, as they lived on the *Burſe* or Fund, or Contribution of Benefactors. — *In ea Univerſitate* (*ſ.il.* Oxon.) *ſunt clara Collegia a Regibus, Reginis, Epiſcopis, & Principibus fundata, & ex ſtipendiis eorum Scholaſtici plurimi utuntur, quos* Pariſiis Burſarios *vocamus.* Joh. Major, Geſt. Scot. lib. 1. cap. 5. So among the *Ciſtertian* Monks, the *Burſarii* were the Novices or Young Scholars ſent to the Univerſity, and there maintain'd by the Religious out of their publick *Burſe*, or Stock.

Burſe, A Word uſed in *Domeſday*, of which Mr. *Agar* thus: It may be this Word is written for *Bury*, which ſometimes I read in this Book, and *Bure* is that which the *Dutchmen* call a *Bore*, *Colonus*, a Peaſant.

Burſholders. See *Borow-Holders.*

Bury. See *Berrie.*

Buſca and **Buſcus** (Fr. *Buſche*) Underwood, Billet, alſo Bruſhwood. *Rex, dilectis & fidelibus ſuis Rad. de Sandewico & Johanni de Bland.* —— *quod rogorum artifices ipſos rogos qui in Civitate* (London) *& villis prædictis, ex* Buſca, *vel carbone* Boſci *fieri conſueverunt, jam de novo, præter ſolitum, ex carbone marino concremant & componunt.* Pat. 35 E. 1. m. 4. dorſo. See *Buſta.*

Buſones Comitatus, for *Barones: Juſticiarii vocatis ad ſe quatuor vel ſex, vel pluribus de Majoribus comitatus, qui dicuntur* Buſones *comitat. & ad quorum nutum dependent vota aliorum.* Bract. lib. 3. tract. 2. c. 2. num. 1. *Sed quære.*

Buſſa, *i. e.* a great Ship.

Buſſellus, A Buſhel; from *Buza*, *Butta*, *Buttis*, a ſtanding Meaſure of Wine; *Butticella*, *Butticellus*, *Buſſellus*, a leſs Meaſure. From the old Gall. *Bouts*, leathern Continents of Wine. Whence our Leather *Boots*, and *Buskins* and *Budget*, and *Bottles.* Sax. *Bytta*, uſed for Bottles in the *Saxon* Goſpel, St. *Mat.* 9. 17. The Bags of Leather, in which they lately carried Water, from the *Severn*, to the City of *Worceſter*, were hence called *Byttes*, and each Load of Water was termed a *Bytte* of Water. See Mr. *Kennet's* Gloſſory in *Buſſellus.*

Buſta, & Buſtus, ——& *unam Carrectatam* Buſtæ *ſingulis ſeptimanis in Boſco prædicto.* Mon. Angl. 1 par. f. 473. b. Firewood, properly the lopping of Trees. *Et auxi Johan. Ate Gate priſt* bouche *& Carboun a la mountance* xxviii s. iii d. *ſaunz paiement.* Pla. Parl. 14 Ed. 2. Elſewhere I find, *cum ſpinis & buſtis*, where it ſeems to ſignify Trowſe or Tynet for Repair of Hedges.

Butt, (*Butticum*) As a *Butt* of *Malmſey*, containing at leaſt 126 Gallons, *an.* 1. *R.* 3. *c.* 13. It ſignifies alſo the Place where Archers are wont with their Bows and Arrows to ſhoot at a Mark, which we at this Day call Shooting at the *Butts.* There is alſo a Meaſure called a *Salmon Butt*, which contains 84 Gallons. *Lib. Aſſiſ.* and *Stat.* 2 *H.* 6. *c.* 11.

Buttes, The Ends or ſhort Pieces of Land in Arable Ridges and Furrows. See *Abbuttare.*

Buteſcarles. See *Buzcarles.* *Chronicon*, Sax. *pag.* 172.

Butlerage of Wines ſignifies that Impoſition upon Sale *Wine*, brought into the Land, which the King's Butler, by Virtue of his Office, may take of every Ship; that is, two Shillings of every Tun of *Wine* imported by Strangers. *Rot. Parl.* 11 *H.* 4. *ar.* 1 H. 8. *c.* 5. See more in *Botiler of the King*, and *Priſage.* The Stat. 12 *Car.* 2. *c.* 24. for taking away of *Purveyance*, does not extend to Prejudice the ancient Duties of Butlerage, and Priſage of Wines, but they are to continue as before the making this Act. See *Calthrop's* Reports of ſpecial Caſes, *pag.* 23. and 4 *Inſt. fol.* 30.

Butſecarl, **Buthſcarle**, **Buteſecarle**, or **Boteſecarle**, The ſame with *Boatſwain*, or *Mariner*, Scld. Mar. Clauſ. 184.

Butrum terræ, A Butt of Land. —— *Dedi decem acras & unum* buttum terræ, *cum capuciis*

&

& *ſidlingis prati, ad eandem terram pertinentibus.* Cart. III. de Sibbeford, penes Will. Dugdale Mil. Vid. *Abbuttare, Butta.*

Buzcarles or **Buſcarles** (*Buſcarli & Buthſecarli*) *Sunt qui portus nauticos cuſtodiunt:* Mariners or Seamen. *Quando Rex ibat in expeditionem vel terra vel mari, habebat de hoc Manerio aut* xx *ſol. ad paſcendos ſuos* Buzecarl. *aut unum hominem ducebat ſecum pro honore quinque Hidarum.* Domeſd. Tit. *Wiltſc. Wilton.* And *Selden's Mare clauſum, fol.* 184. where it is written *Butſecarli.* See *Batſwain.*

Buzonis, ——Gulielmus de Greſeley *tenet maner. de* Drakelow, *Com.* Derb. *in capite per ſervitium reddendi unum arcum ſine corda, & unam pharetram de tutesbit, & duodecim ſagittas fiectatas, & unum* buzonem. Radulphus de Stopham *tenet maner. de* Brianſtan, *Com.* Dorſet. *per Serjantiam, inveniendi Domino Regi garcionem deferentem unum arcum ſine corda, & unum* buzonem *ſine pennis.* S. Ed. I.— It ſeems to be the Shaft of an Arrow, before it is fledged or feathered.

Buzones Judiciorum, *Placita de temp. Johannis Regis, Glouc.* 139. See *Buſones* Comitatus.

Bydalle, (*Anno* 26 *Hen.* 8. *cap.* 6.) See *Bidale.*

Bye, Bee, Words ending in *Bye* and *Bee* are derived from the Saxon *Bye,* which ſignifies a dwelling Place or Habitation.

Byelaw or **Laws of Burlaw,** (*Leges Ruſticorum,* from the *Germ.* **Baur,** i. e. *Ruſticus,* & **Lauth,** *Lex.*) Laws made by Husbandmen, or Townſhips, concerning Neighbourhood, to be kept among themſelves. *Skene, pag.* 33. See *Bilaws.*

Byrn and **Byrnan,** i. e. *Lorica.*

C.

LITERA C. *apud Veteres nota fuit condemnationis, unde Proverbium inter Græcos τὸ χ ὀδὲν ἠδίκησε ὀδὲ τὸ* K.

Caballa, Belonging to a Horſe; from the *Lat.* Word *Caballus. Domeſday,* Mr. *Agar.*

Cablish (*Cablicium*) among the Writers of the Foreſt Laws, ſignifies *Bruſh-wood,* or *Browſe-wood. Crompt. Juriſd. fol.* 163. But Sir *Henry Spelman* thinks it more properly ſignifies *Wind-faln-wood,* becauſe it was written of old *Cadibulum,* from *cadere:* Or, if derived from the French *Chablis,* it alſo ſignifies *Wind-faln-wood. Item dicunt, quod* Ceppeg. & Cablicia *vento proſtrat. valent per an. dimid. Marcæ.* Inq. de an. 47 H. 3. *nu.* 32. *Et debent habere quicquid vento proſternitur præter* Cablicium, *quod pertinet ad Dominum Regem.* Rieley Pla. Parl. fol. 652.

Cabo de bona Esperanza. See *Cape de bona Eſperanza.*

Cachepollus, A Purſevant, a Bailiff, a Catchpole. ——*In ſtipendiis Ballivi* xiii *s.* iv *d. in ſtipendiis unius Præpoſiti* xxvi *s.* xxvi *d. in ſtipendiis unius* Cachepolli *per An.* ix *s.* viii *d.* Conſuetud. Domus de Farendon. MS. fol. 23.

Catherellus, *i. e.* An inferior Bailiff: 'Tis mentioned in *Thorn,* viz. *Seneſchallus & cuſtodes noſtri diligenter inquirant de injuriis per* Chacherellos *Vicecomitis, &c.*

Cacia. See *Chacea.*

Cacor and **Chaſor,** *i. e.* An hunting Horſe, *viz. Dederunt mihi unum* Chaſorem; in another Charter 'tis writ *cacorem, Leg. Willi.* I. *cap.* 22, 23. Mr. *Selden* tells us, that he did not underſtand the Signification of this Word in the Hiſtory of the Foundation of the Abbey of *Kingſwood* in *Glouceſterſhire.*

Cade of Herrings is 500, of *Sprats* 1000. *Book of Rates,* fol. 45. Yet I find anciently 600 made the *Cade of Herrings,* ſix Score to the Hundred, which is called *Magnum Centum.*

Cader, The younger Son of a Gentleman.

Caducus Morbus, The Falling-ſickneſs, or *Epilepſie.* ——*A. D.* 1227. Willielmus Scottus *Archidiaconus* Wigorn. *electus Epiſcop.* Dunelm. *contra quem objectum eſt quod non fuit nativus de terra Regis* Angliæ, *& inſuper morbum* caduceum *patiebatur.* Chron. Priorat. Dunſtaple MS. Bibl. Cotton. Tiber. A. 10.

Caep gildum, *i. e.* The reſtoring Goods or Cattel, from the Sax. *Ceap, Merx, & Gildan, ſolvere.*

Caermarthen. See *Maridunum.*

Cæsaromagus, *Brentwood* in *Eſſex.*

Cagia, A Cage for Birds, a Coop for Hens. ——*Mandatum eſt Vicecom.* Wilt. *quod emat in ballivâ ſua* 100 *bacones, &* 300 *gallinas, cum* cagiis, *in quibus eædem gallinæ poni poſſunt.* Ex Rot. Clauſ. 38 *H.* 3. m. 9.

Calamitus, The Word ſeems us'd for a Stick, or Gag put into the Mouth of Dogs, to prevent their Barking. —— *Ignaviter & prorſus inutiliter, veluti canes non latrantes, ſed tanquam in ore* calamitum *habentes, Eccleſiæ bonis inhiare.* Giral. Cambrenſis apud Whartoni Angl. Sac. P. 2. p. 614.

Calamus, Is a Cane, Reed, or Quill; the divers Kinds whereof you have in *Gerrard's* Herbal, *lib.* I. *cap.* 24. This is compriz'd among Merchandiſe, and Drugs to be garbled, by 1 *Jac. cap.* 19.

Calangium & Calangia, Challenge, Claim, or Diſpute. *Sciant* ——*quod ego Godefridus de Doddenſul, cum aſſenſu Amiliæ uxoris meæ, dedi*——*Deo & Beatæ Mariæ & Dominis meis Priori & Conventui Wigorn. in puram & perpetuam eleemoſyna unam acram terræ*——*ſine aliquâ reclamatione ſeu* calangio, &c. ſine dat. penes Thomam Chyld. Arm. *Boſcum, qui fuit in* Calangio *inter ipſum & Walterum.* Mon. Angl. 2 par. fol. 252. b.

Calcaria. *Tadcaſter* in *Yorkſhire.*

Calcea, *Calceia,* A Road or Highway, maintained and repaired with Stones, and Rubbiſh; from the Latin *Calx,* Chalk, French *Chaux;* whence their *Chauſſee,* our *Cauſe-way* or Path raiſed with Earth, and pav'd with Chalk-ſtones, or Gravel. *Calcagium,* was the Tax or Contribution paid by the neighbouring Inhabitants toward the Making and Repairing ſuch common Roads. *Calcearum Operationes* were the Work and Labour done by the adjoining Tenants; from which Duty ſome Inhabitants were, by Royal Charter, eſpecially exempted. See Mr. *Kennet's* Gloſſary.

Calcetum, Calceata, *Calcea & Catia,* a *Cauſey* or *Cawſway,* a hard Way: *De ligno & tabulis* Calcetum *ſolidum viatoribus fecit.* Du Cange. See *Cauſey.*

Calcyth, The Place where a Council was held, ſuppoſed to be *Kelcheth* in *Lancaſhire.*

Caldaria, A Cauldron, or Copper.——*Inſtituebant fieri ſtrepitum maximum & rugoſum tundentibus ſingulis & flagellantibus clipeos & galeas, ſellas & aſſeres, dolia & flaſcones, pelves & ſcutellas & caldarias, & quodcunque ad manum erat inſtrumentum.* Gaufr. Vineſauf. Ric. Reg. Iter. Jeroſ. l. 4. c. 13.

Calefagium, A Right to take Fuel yearly: *Confirmamus panagium, herbagium & Calefagium in foreſta noſtra.*

Calendring of Woollens, Spoken of 5 H. 8. *cap.* 4. and 35 H. 8. *cap.* 5. It ſignifies to ſmooth, trim, and give them a Gloſs; and is a Trade uſed both in *London* and *Norwich.*

Calends, *Calendæ*, Was among the *Romans* the firſt Day of every Month, to which if we add *Pridie*, it is the laſt Day of every Month, as *Pridie Calend. Septemb.* is the laſt Day of *Auguſt*; if any Number be ſet before it, as *Decimo, Nono, Octavo, &c. Calend. Sept.* is the 22, 23, 24 of *Aug.* In *March, May, July* and *October*, the *Calends* begin at the Sixteenth Day, in other Months at the Fourteenth; and they muſt ever bear the Name of the Month following, and be numbred backwards from the firſt Day of the ſaid following Months; ſee more in *Hopton*'s Concordance, *pag.* 69, See alſo *Ides* and *Nones. Dictum de Kenelworth* is dated the Day before the *Calends* of *November*, 1256. In the Dates of Deeds, the Day of the Month by *Nones, Ides* and *Calends*, is ſufficient. 2 *Inſt. fol.* 675.

Caliburn, The famous Sword of King *Arthur. Hovenden, & Brompt. in vita R.*

Calipodium, *Calapodium, Gallipodia*, Gallicſhoes, Galaſhoes. Among the Injunctions preſcribed by *Philip Repingdon* Biſhop of *Lincoln*, to Vicars, Schoolmaſters &c. in the Year 1410. it is thus ordained,—*Quod dicti Vicarii & Clerici quicunque & præcipue cum fuerint reveſtiti in honeſtistogis ſuis, cum longis manicis quæ vulgariter* Pokes *nuncupatur——— baſardos & calapodia deponant, quæ in Eccleſia ſtrepitum faciunt, & generant malum ſonum.* Reg. Repingdon Epiſc. Lincoln.

Caliver, A great Gun.

Calked, *i. e.* Caſt up, alſo calculated.

Callena. See *Gallena.*

Callis, The King's Highway: 'Tis mentioned in *Huntingdon, Lib.* 1. viz. *Tantæ autem gratiæ inhabitantibus fuit* Britanniæ, *quod quatuor in ea* Calles *a fine in finem conſtruxerunt regia ſublimatos auctoritate, &c.*

Calumniare, To Challenge, or lay Claim unto. ——*Iſta terra* calumniata *Will. Chernet.*—— Domeſday. *Tit.* Hantſcire.

Camadolunum, Ruins near *Almondbury* in *Yorkſhire.*

Camalodunum, *Maldon* in *Eſſex.*

Camboritum, *Cambridge.*

Cambretonium, *Brettenham* in *Suffolk.*

Cambridge. See *Camboritum.*

Camera, From the old German *Cam, Cammer*, Crooked: Whence our Engliſh *Kembo*, Arms in Kembo; a *Comb*, in the North a *Camb*; the preſent *Iriſh* uſe *Cama* for a Bed: *Camera* ſignified at firſt any winding or crooked Plat of Ground. *Tres* cameros *ad vineam——— unam* cameram *terræ —— i. e.* a Nook of Ground. *Vide Du Freſne in voce.* The Word was afterwards applied to any vaulted or arched Building, eſpecially to an open Stall, or Shop for Sale of Goods; and was by Degrees more particularly reſtrained to an Upper Room, or Chamber. See Mr. *Kennet*'s Gloſſary to parochial Antiquities.

Camica, Camlet, or a fine Stuff made at firſt purely of Camel's Hair.—— Ricardus de Bury *Epiſc.* Dunelm. *contulit Eccleſiæ veſtimentum de nigra* camica, *cum tribus capis ejuſdem ſectæ.* Hiſt. Dunelm. apud Whartoni Angl. Sac. P. 1. p. 766.

Camiſia, A Garment of the Prieſt, called the *Alb*; *Inditus* camiſia *linea quæ communi nomine dicitur* Alb. *Pet. Bleſenſis, Serm.* 41.

Camoca, A Garment made of Silk, or ſomething better: *Unum veſtimentum pro ferialibus diebus album de* camoca. Monaſticon, Tom. 3. part 2. pag. 81.

Campana bajula, A ſmall portable Hand-bell, much in uſe among other ceremonious Fopperies of the *Roman* Church; and ſtill innocently retained among us by Sextons, Pariſh-Clerks, and publick Criers. ——*Quatuor eas muneribus Patriarcha donavit, Altari videlicet portatili conſecrato,* campana bajula, *baculo inſigni, & tunica ex auro contexta. Reverſi in patriam ſua quiſque dona miraculoſe percepit.* David *quidem in Monaſterio cui nomen* Langevilach *nolam & Altare.* Girald. Cambr. apud Whartoni Angl. Sacr. P. 2. p. 637.

Campartum, Any Part or Portion of a larger Field, or Ground; *Champerty*, a Share or Diviſion of what would otherwiſe be in groſs or common —— *Rex cuſtodi Inſularum de* Gernſey, &c. *in perpetuam reddantur decimæ de* camparto *noſtro in eadem Inſula——— Dat.* 27 *Nov.* 19 *H.* 3. Prinne Hiſtor. Collect. vol. 3. p. 83.

Campertum, Uſed for a Corn Field. *Alicia de Chapele furabatur* 35 *garbas de* Camperto *Regis, de quo facto inditata, fugit ad Eccleſiam.* Pet. in Parl. 30 Ed. 1.

Campfight. See *Champion*, and 3 *Inſt. fol.* 221.

Campus Martii, Mall, Was an Aſſembly of the People every Year upon *May-day*, where they confederated together to defend the Kingdom againſt Foreigners and all Enemies. *Leges Edw. Confeſſor. cap.* 35. *Denuo in* Campo Martii *convenere, ubi illi qui Sacramentis inter illos pacem confirmavere, Regi omnem culpam impoſuere.* Sim. Dunelm. Anno 1094. *Du Cange.*

Cancellare manus, To cancellate the Hands, *i. e.* to lay them traverſe or a croſs one another, as the poor Children on the Foundation of Queen's College *Oxon*, do attend the *Provoſt* and Fellows at Table, *Manibus cancellatis*, with their Hands leaning acroſs on the one Side of the Table. ———*Extendit collum genuflectendo* cancellatis manibus *ſuper pectus ſuum, ita decollatur.* Clem. de Maydeſtan, de Martyrio Ric. Scrope Archiep. Ebor. apud Whartoni Angl. Sacr. P. 2. p. 373.

Candlemas-day, (Sax. *Candelmœrre*) The Feaſt of the Purification of the bleſſed Virgin *Mary* (2 *Feb.*) inſtituted in Memory and Honour, both of the Preſentation of our bleſſed Lord, and the Purification of the bleſſed Virgin in the Temple of *Jeruſalem*, the fortieth Day after her happy Child-birth, performed according to the Law of *Moſes, Levit.* 12. 6. It is called *Candlemas*, or a *Maſs* of *Candles*, becauſe, before *Maſs* was ſaid that Day, the Church bleſſed, that is, deputed or ſet apart for ſacred Uſe, *Candles* for the whole Year, and made a Proceſſion with hallowed *Candles* in the Hands of the Faithful, in Memory of the Divine Light, wherewith Chriſt illuminated the whole Church at his Preſentation, when old *Simeon* ſtiled him, *A Light to the Revelation of the* Gentiles, *and the Glory of his People* Iſrael. St. *Luke* 2. 32. This Feſtival Day is no Day in Court, and is the *Grand Day* of *Candlemas* Term in the Inns of Court.

Canes opertiæ.——— *Et debent habere* Canes opertias *ex omni genere canum, & non impediatas.* Antiq. Cuſtumar. de *Sutton Colfield.* Dogs with whole Feet, not lawed.

Canestellus, A Basket. In the Inquisition of Serjeancies, and Knights Fees, in the 12 and 13 Years of King *John*, for *Essex* and *Hertford*,—— Johannes de Listone *tenet*—— *per Serjantiam faciendi* canestellos, i. e. *John of Liston*, held that Manor by the Service of making the King's Baskets. *Ex libro Rub. Scacc. fol.* 137.

Canfara, A Trial by hot Iron, formerly used here, which see in *Ordeal*, *a candente ferro: Si inculpatio sit, & se purgare velit, eat ad ferrum calidum, & adlegiet manum ad* canfaram *quod non falsum fecit:* Where *canfara* is interpreted for *candens. Du Cange.*

Canipulus, A short Knife or Sword: *Ne quis viator* canipulum *deferret vel arcum.* Rad. de Diceto, Anno 1275.

Canna, A Rod in measure of Ground, or Distance. ——*Papa Clem. IV. Pont. sui An.* 1. *concedit Generali & Provincialibus Ministris ac universis Fratribus Ordinis Minorum Fratrum in* Anglia—*ut nulli Seculari vel Religioso Ecclesiam vel Monasterium seu Oratorium jam ædificatum in aliquem locum transferre liceat infra spatium* 300 cannarum *ab ipsorum Ecclesiis mensurandarum*—— *Volumus quamlibet ipsarum* cannarum *octo palmorum longitudinem continere.* Ex. Registr. Walt. Giffard Archiep. Ebor. f. 45.

Canon, The Word was formerly used for any Prestation, Pension, or other customary Payment. ——*Si vero dicti Prior & Monachi aliquo prædictorum terminorum cessaverint a solutione firmæ dictæ Ecclesiæ de* Rading, *præter debitum* canonem *illius termini dimidiam marcam argenti,*—— Cartular. Rading. MS. ——Willielmus *Episc.* Wigorn. *concessit Abbati & Conventui de* Evesham Annuum Canonem *xv. marc. ad constructionem operis Ecclesiæ de* Evesham, *de Ecclesia de* Ambresbury. *Test.* Simone Abb. Perfore. Petro Archid. Wigorn. *Ex Cartul. Abbatiæ de Evesham. MS. Cotton.* fol. 13.

Canonium, *Chelmsford* in *Essex.*

Canon Religiosorum, A Book wherein the Religious of every greater Convent had a fair Transcript of the Rules of their Order, frequently read among them as their local Statutes; Which Book was therefore called *Regula*, and *Canon.* The publick Books of the Religious were these four. 1. *Missale*, which contained all the Offices of Devotion. 2. *Martyrologium*, a Register of their peculiar Saints, and Martyrs, with the Place and Time of Passion. 3. *Canon* or *Regula*, the Institution and Rules of their Order. 4. *Necrologium* or *Obituarium*, in which they entred the Death of their Founders and Benefactors, to observe the Days of Commemoration for them. But as the two first, so likewise the two later were sometimes joined in the same Volume.—— Mr. *Kennet's* Glossary.

Cantel (*Cantellum*, velut *quantillum*) is that which is added above Measure. *Nullum genus bladi vendatur per cumulum seu* Cantellum, *præter Avenam, Brasium & farinam.* Stat. de Pistor. cap. 9. It seems also sometimes to signify the same with that we now call Lump, as to buy by Measure, or by the Lump. See *Polton, Temps H.* 3. *E.* 1. or *E.* 2. *cap.* 4 & 9. It signifies also a Piece of any Thing, as a *Cantel* of Bread, Cheese, and the like.

Canterbury. See *Dorobernia.*

Cantred, Or rather *Cantref*, (*Cantredus*) signifies an Hundred Villages, being a *British* Word compounded of the Adjective Cant, *i. e.* an Hundred, and Tref, a Town or Village. In *Wales* the Counties are divided into *Cantreds*, as in *England* into *Hundreds.* The Word is used *Anno* 28 *Hen.* 8. *cap.* 3. See *Commote.* See also Mr. *Kennet's* Glossary, in Verbo *Cantredum.*

Capacity, *Capacitas*, An Ability, or Fitness to contain or receive: In Law it signifies, when a Man, or Body Politick, is able to give or take Lands, or other Things, or to sue Actions. As an Alien born, hath a sufficient Capacity to sue in any personal Action; but in a real Action, it is a good Plea to say, *He is an Alien born*, and pray, *If he shall be answered.* Dyer, *fol.* 3. *pla.* 8. If a Man enfeoffs an Alien and another Man, to the Use of themselves, or, &c. it seems that the King shall have the Moiety of the Land for ever, by Reason of the Incapacity of the Alien. *Dyer, fol.* 383. *pla.* 31. By the Common Law, no Man hath Capacity to take Tithes but Spiritual Persons, and the King, who is a Person mixt; out Law allowing him two *Capacities*, a Natural, and a Politick. In the first he may purchase Lands to him and his Heirs; in the later, to him and his Successors; and a Parson hath the like: But a Layman, who is not capable of taking Tithes, was yet capable to discharge Tithes in the Common Law in his own Land, as well as a Spiritual Person. See *Co. lib.* 2. *fol.* 44.

Capa de bona Speranza, Or the *Cape of Good Hope:* A Promontary that lies in *Africa*, within the Tropick of *Capricorn*, on the Edge of *Ethiopia inferior*, and first discovered by the *Portuguese*, under the Command of *Bartholomew Dyas*, about the Year 1491. See *Speed's* Map of *Asia*, in his *Theatr. Brit.* It is mentioned in the Statute 12 *Car.* 2. *cap.* 18.

Cape, Is a Writ Judicial, touching Plea of Land or Tenements; so termed (as most Writs be) of that Word in it self, which beareth the chiefest End and Intention thereof. And this is divided into *Cape Magnum*, and *Cape Parvum*, both which (as is before said in *Attachment*) take hold of Things immoveable, and seem to differ between themselves in these Points: First, Because *Cape Magnum*, or the *Grand Cape*, lieth before Appearance, and *Cape Parvum* afterwards. Secondly, The *Cape Magnum* summoneth the Tenant to answer to the Default, and oyer to the Demandant. *Cape Parvum* summoneth the Tenant to answer the Default only; and therefore is called *Cape Parvum*, or in the *French English Petit Cape.* Old Nat. Brev. fol. 161, 162. Yet *Ingham* saith, That is called *Petit Cape*, not because it is of small Force, but for that it consisteth of few Words; *Cape Magnum*, in the *Old Nat. Brev.* is thus defined; This is a Judicial Writ, and lieth where a Man hath brought a *Præcipue quod reddat* of a Thing that toucheth Plea of Land, and the Tenant make Default, at the Day to him given in the Writ Original, then this Writ shall go for the King, to take the Land into the King's Hands, and if he comes not at the Day given him by the *Grand Cape*, he has lost his Land, &c. A Precedent and Form of this Writ, you may see in the *Register Judicial*, f. 2. b. It seemeth after a Sort to contain in it the Effect (*missionis in possessionem & primo & secundo decreto*) among the Civilians: For as the first Decree seiseth the Thing, and the second giveth it from him that the second Time defaulteth in his Appearance: So this *Cape* both seiseth the Land, and also assigneth to the Party a farther Day of Appearance; at which, if he come not in, the Land is forfeited: Yet is there

Difference

Difference between these two Courses of the Civil and Canon Law. First, For that *missio in possessionem* toucheth both Moveable and Immovable Goods, whereas *Cape* is extended only to Immovable. Secondly, That the Party being satisfied of his Demand, the *Remanet* is restored to him that defaulted; but by the *Cape*, all is seised without Restitution. Thirdly, *Missio in possess.* is to the Use of the Party Agent, the *Cape* is to the Use of the King: Of this Writ, and the Explication of the true Force and Effect thereof, read *Bracton. lib.* 5. *tract.* 3. *ca.* 1. *n.* 4, 5, 6. See *Cape ad valentiam.*

Cape Parvum, In the *Old Nat. Brev. fol.* 162. is thus defined; This Writ lieth in Case where the Tenant is summoned in Plea of Land, and cometh at the Summons, and his Appearance is of Record; and after he maketh Default at the Day that is given to him, then shall go this Writ for the King, &c. The Difference between the *Grand Cape* and *Petit Cape*, (which in Effect or Consequence are alike) is that the *Grand Cape* is awarded upon the Defendant or Tenant's not appearing or demanding the View in such real Actions, where the original Writ does not mention the Parcels or Particulars demanded; and the *Petit Cape* after Appearance or View is granted. Of this likewise you may see the Form in the *Register Judicial*, fol. 2. Of both these Writs, read *Fleta, lib.* 2. *cap.* 44. *sect. Magnum & seq.*

Cape ad valentiam, Is a Species of *Cape Magnum*, so called of the End whereunto it tendeth. In the *Old Nat. Brev.* fol. 161, 162. it is thus described, This Writ lieth, where any is impleaded of certain Lands, and I vouch to warrant another, against whom the Summons *ad Warrantizandum* hath been awarded, and the Sheriff cometh not at the Day given, then if the Demandant recover against me, I shall have this Writ against the Vouchee, and shall recover so much in Value of the Land of the Vouchee, if he have so much; and if he have not so much, then I shall have Execution of such Lands and Tenements as descend to him in Fee-simple; or if he purchase afterward, I shall have against him a Re-summons; and if he can say nothing, I shall recover the Value. Here note, That this Writ lieth before Appearance. Of these Writs and their divers Uses, see the Table of the *Reg. Judicial, verbo Cape.*

Capella, Before the Word *Chapel* was restrained to an Oratory, or depending Place of divine Worship, it was used for any Sort of Chest, Cabinet, or other Repository of precious Things, especially of Religious Relicks.—— *Regnante* Stephano, Nigellus *Episc.* Elicnsis, *pro imminenti sibi negotio auxilium Dominæ Imperatricis, & suorum colloquium requirendum putavit. Qui dum pergerit Homines Regis invadunt, absque miseratione bonis suis dispoliant, Equos & indumenta, insuper* Capellam *optimam, quam Episcopus secum de Ecclesia tulerat, in contaminatis manibus rapiunt.* Hist. Elien. apud Whartoni Angl. Sacr. P. 1. p. 622. The Institution and Dependance of Chapels, and their *Capellanes*, with the Dignities and Liberty of Mother-Churches, is discoursed at large in Mr. *Kennet's* Paroch. Antiq. p. 580.

Capella de Floribus, A Chaplet, or Coronet, or Garland of Flowers for the Head.—— *Tanta varietas & lascivia apparet in familia Prælatorum multorum in vestibus partitis, & virgatis*, capellis de floribus, & *corrigiis deauratis*, &c. Opuscul. Tripartit. apud Fasciculum Rerum, &c. Append. p. 225.

Capella lineata, A Head-piece lined, *Abbas de* Nevele *tenet in com.* Lincoln.—— *per servitium reddendi Domino Regi unam* Capellam lineatam *de Syndone, & unum Par calcarium deauratorum*—— Tenures, p. 64. An. 9 Ed. 1.

Capellus, A Cap, Bonnet, Hat, or other Covering for the Head.—— *Capite discooperto, sine* capello, *cum una garlanda de latitudine minoris digiti sui*—— 15 Joh. Tenures, p. 32.

Capellus Militis, A Helmet, or military Head-piece.—— *Quando moritur, dabit similiter relevium modo quo prius, nisi habuerit equum, & tunc hæres ejus veniet ad curiam Domini cum equo meliori, sella, fræno, &* capello, *gladio & calcaribus.* ——Consuetud. Domus de Farendon, MS. f. 21.

Capias, Is a Writ of two Sorts, one before Judgment, called *Capias ad respondendum*, in an Action Personal, where the Sheriff upon the first Writ of Distress in Personal Actions returns *Nihil habet in balliva nostra*, and the other is a Writ of Execution after Judgment, being of divers Kinds, *viz. Capias ad satisfaciendum, Capias pro fine, Capias Utlagatum, Capias Utlagatum & Inquiras de bonis & catallis, &c.*

Capias ad satisfaciendum, Is a Writ of Execution after Judgment, lying where a Man recovers in an Action personal, as for Debt or Damages, or *Detinue* in the King's Court; and he against whom the Debt is recovered, and hath no Lands nor Tenements, nor sufficient Goods, whereof the Debt may be levied. For in this Case, he that recovereth, shall have this Writ to the Sheriff, commanding him, that he take the Body of him, against whom the Debt is recovered, and he shall be put in Prison, until Satisfaction made.

Capias conductos ad proficiscendum is an Original Writ, which lies by the Common Law against any Soldier that hath covenanted to serve the King in his Wars, and appears not at the Time and Place appointed, directed to two of the King's Serjeants at Arms, to arrest and take him wheresoever he may be found, and to bring him *Coram Concilio nostro*; with a Clause of Assistance. 4 *Inst. fol.* 128.

Capias ad satisfaciendum infinite, (22 & 23 *Car.* 2. Act for Relief of Soldiers.)

Capias in Withernamium de Averiis is a Writ lying for Cattle in *Withernam. Reg. of Writs, fol.* 82, & 83. See *Withernam.*

Capias in Withernamium de Homine is Writ that lies for a Servant in *Withernam. Reg. fol.* 79, & 80. See *Withernam.*

Capias pro Fine is where one, being by Judgment fined to the King upon some Offence committed against a Statute, does not discharge it according to the Judgment. By this therefore his Body is to be taken, and committed to Prison untill he pay the Fine. *Coke, lib.* 3. *fol.* 12. Or where, upon a *Non est factum* pleaded, his Plea is by Evidence, or his own after Acknowledgement, not made out or verified, and the like.

Capias Utlagatum is a Writ which lies against him who is outlawed upon any Action Personal or Criminal; by which the Sheriff apprehends the Party outlawed, for not appearing upon the *Exigent*, and keeps him in safe Custody till the Day of Return, and then presents him to the Court, there farther to be ordered for his Contempt, who (if in the Common Pleas) was in former Times to be committed to the *Fleet*, there

to

to remain till he had ſued out the King's Charter of Pardon, and appeared to the Action. At preſent, in the *King's Bench*, the *Outlawry* cannot be reverſed, unleſs the Defendant appear in Perſon, and by a Preſent of Gloves to the Judges obtain their Favour to reverſe it. And in the *Common Pleas* the Defendant (not being an Executor or Adminiſtrator) is now to give good Bail (which he is allowed to do by Attorney) to anſwer the Action, if the Debt or Damage demanded be 20 *l.* or above, and to pay the Plaintiff's Charges, before the *Outlawry* be reverſed. And by a ſpecial *Capias Utlagatum* in the ſame Writ, the Sheriff is commanded, and may ſeize all the Defendant's Lands, Goods, and Chattels, for the Contempt to the King; and the Plaintiff may (after an Inquiſition taken thereupon, and returned into the *Exchequer*) obtain a Leaſe of the Lands extended, and a Grant of the Goods, whereby to compel the Defendant to appear; which, when he ſhall ſo do, and reverſe the Outlawry, are to be reſtored to him. See *Old Nat. Brev. fol.* 154. and *Table of Reg. Judic. verbo*, Capias.

Capita Baroniarum, The chief Seats of Barons. *Bracton.*

Capitagium. See *Chevage.*

Capitale, *i. e.* the Thing which is ſtolen, or the Value of it. 'Tis mentioned in *Leg. H.* 1. *cap.* 59. viz. *Si furtum redimendum*, Capitale *redimentis conjectent*; *i. e.* If the Theft be redeemed, let the Thing ſtolen, or the Value of it, be returned.

Capitale bivens, *i. e.* Live Cattle. *In Leg. Æthelſtani. Reddam de meo proprio decimas Deo, tam in* Vivente Capitali, *quam in mortuis fructibus terræ.*

Capite, From *Caput*, the Head; and ſo *Tenure in Capite*, is to hold of the King, the Head of the Commonwealth. It is a Tenure that holds immediately of the King, as of his Crown, be it by Knights Service or Socage, and not of any Honour, Caſtle, or Manor; and for this it is called a Tenure, which holds merely of the King: For as the Crown is a Corporation, a Signiory in groſs, ſo the King, who poſſeſſes the Crown, is in the Eye of the Law perpetually King, never in his Minority. *F. N. B. fol.* 5. Yet a Man may hold of the King, and not *in Capite*; that is, not immediately of the Crown in groſs, but by Means of ſome Honour, Caſtle, or Manor belonging to the Crown: Of this *Kitchin, fol* 129. ſaith well, That a Man may hold of the King by Knight-Service, and not *in Capite*; becauſe it may be he holds of ſome Honour by Knight-Service, that is in the King's Hands, by Deſcent from his Anceſtors, and not immediately of the King, as of his Crown. And this *Tenure in Capite* is otherwiſe called, Tenure holding of the Perſon of the King. *Dyer, fol.* 44. *Broke*, Tit. *Tenure, nu.* 65, 99. But this Tenure is now aboliſhed, and by 12 *Car.* 2. *cap.* 24. all turned into free and common Socage. The ancient *Tenure in Capite* was of two Sorts: The one Principal and General, which is of the King; as *Caput Regni, & Caput Generaliſſimum omnium Feodorum*, the Fountain whence all Feuds and Tenures have their main Original: The other *Special* and *Subaltern*, which was of a particular Subject; as *Caput Feudi, ſeu terræ illius*; ſo called, becauſe he was the firſt, that created and granted that Feud or Land in ſuch Manner of Tenure: Who was thereupon called *Capitalis Dominus, & Caput terræ illius*; among the *Feudiſts, Capitaneus Feudi illius.* Vid. *Spelman of* Feuds, *cap.* 4.

Capitilitium. See *Chevage.* 'Tis what we now call *Poll-Money:*

Improba Romani poſcunt a Rege tributa,
Cujus ad arbitrium diſponitur omne tributum,
Et Capitalitiam *cogunt appendere ſummam.*
Du Cange.

Capitium, A Covering for the Head. Sometimes it ſignifies a Collar of a Coat. 'Tis mentioned in the Stat. *H.* 4. *Anno* 1. *Quod ſi aliquis miles, vel aliqua perſona minoris ſtatus, det aliquam liberatam pauni vel* Capitiorum *contra formam ſtatuti, &c.*

Capituli Agri, The Had-lands, or Head-lands, that lie at the Head, or upper End of the Lands or Furrows. — *Canonici* (Bureeſter.) *conceſſerunt hominibus de* Wreehwike *duas acras prati pro* capitibus *ſuarum croftarum tenus rivulum verſus molendinum, &c.* Mr. *Kennet's Paroch. Antiq.* p. 137. See *Havedeloud.*

Capitula Ruralia, Clerical Aſſemblies, or Chapters held by the Rural Dean, and parochial Clergy within the Precinct of every diſtinct Deanery; at firſt every three Weeks, then once a Month, and more ſolemnly once a Quarter. Of which ſee the Practice at large, in Mr. *Kennet's Paroch. Antiq.* p. 640.

Captain, *Capitaneus*, Is one that leadeth, or hath Command of a Company of Soldiers; and is either General, as he that hath the Governance of the whole Hoſt; or Eſpecial, as he that leads but one Band. There is another Sort of Captains, *Qui Urbium præfecti ſunt, quibus Plebs ab aliquo ſuperiorum gubernanda committitur.* So we have Captains of Caſtles here in *England*, as of *Dover*, the Iſles of *Jerſey, Guernſey, Wight*, &c.

Captale. 'Tis mentioned in *Leg. Inæ, cap.* 42. *apud Brompton*, and it ſignifies Cattle; *viz. Ruſtici curtillum debet eſſe clauſum æſtate ſimul & hyeme; ſi diſclauſum ſit & introeat alicujus vicini ſui* Captale, *&c. nihil inde recipiat.* See *Capitale.*

Caption, (*Captio*) When a Commiſſion is executed, and the Commiſſioners Names ſubſcribed to a Certificate, declaring when and where the Commiſſion was executed, that is called the *Caption*; which commonly begins thus; ——— *Virtute iſtius Commiſſionis nos, &c.* or, *Executio iſtius Commiſſionis patet in quadam Schedula annexata, &c.*

Capture, (*Captura*) The Taking of a Prey, a little Gain, in Arreſt, or Seiſure. *Anno* 14 *Car.* 2. *cap.* 14.

Caputagium, ——— *In cujus facti memoriam etiam quatuor denarios de* caputagio *meo, ſicut mos eſt ſecularibus talibus facere, ſuper altare Dominicum prædicti loci gratanter imponens.* Dugdale Warwickſh. f. 193. a. Some think it may ſignify Head or Pole-Money, or the Payment of it. ———But it is indeed the ſame with *Chevagium, Chevage.*

Caput Anni, New-Years Day, upon which of old was obſerved the *Feſtum Stultorum.* So *Caput Kalendarum Maii*, May-day.

Caput Baroniæ is the Caſtle or Chief Seat of a Nobleman, which is not to be divided among Daughters, (if there be no Son), but muſt deſcend to the eldeſt Daughter, *Cæteris filiabus aliunde ſatisfactis.*

Caputia, (from *Caput*, the Head) is uſed for the Head, or Hade, of any Land; —— *Cum* Caputiis *& Sidlingis prati.* See *Buttum terræ.*

Caput Jejunii, Aſh-Wedneſday, being the Head, the Beginning or Firſt Day of the *Quadrageſimal*, or *Lent* Faſt. Some annual Payments were aſſigned to be made *in Capite Jejunii.* Mr. *Kennet's Paroch. Antiq.* p. 132.

Caput loci, The End of any Place. *Ad Caput Villæ*, at the End of the Town: The End or upper Head.

Car, and Char, The Names of Places beginning with *Car* and *Char*, ſignify a City; from the Brit. *Caer, i. e. Civitas*; as *Carliſle*, and many others.

Caravanna, A Caravan, or Joint-company of Travellers in the Eaſtern Countries, for mutual Conduct and Defence. ——*Egreſſa* Caravanna *noſtra de* Joppa *verſus exercitum veniebat onuſta victualibus & aliis clitellis neceſſariis.* —— Gaufrid. Vineſauf. Richardi Regis Iter Hieroſol. lib. 5. cap. 52.

Carcan, Is ſometimes expounded for a Pillory.

Carcannum, A Priſon. LL. *Canuti Regis.*

Carcatus, Loaden; as a Ship with her Freight. ——*De corpore cujuſlibet magnæ navis* Carcatæ *cum rebus venalibus, 4 denar.* Pat 10 R. 2. par. 1. m. 30.

Carcellage, The Fees paid to a Goaler when the Priſoner is diſcharged.

Carecta and Carectata, (Sax. *Cret, unde* Cart.) a Cart, or Cart-load. —— *Facient precarias de Caruca &* Carecta, *i. e. De aratro & Carro.* Cuſtumar. Prior. Lewes *MS.* —— *Quinque* Carectatas *clauſturæ, ad prædictæ terræ clauſturam ſuſtinendam.* Mon. Angl. 2 par. f. 340. a.

Carectata Plumbi, A Pig, or Maſs of Lead, weighing 128 Stone, or 2100 Pounds. —— *Saccus lanæ debet ponderare* 28 *petras, & ſolebat ponderare ſummam frumenti, & ſic ſaccus lanæ ponderat ſextam partem* carectatæ plumbi, *ſcil.* 20 *petras, ſexies viginti & octo petræ faciunt* carectatam plumbi London. *ſumma librarum* carectatæ London. *duo mille & centum libræ, ſcil. de* Waterfothmalet, *ſex ſacci lanæ faciunt* carectatam plumbi, —— Ex Cartular. S. Albani, MS. Cotton. Tiber. T. 6. fol. 260.

Caretarius & Carectarius, A Carter. *Sciant* —— *quod ego Herewardus Pril Dedi* —— *In liberam, puram & perpetuam Eleemoſynam Deo & Altari B. Mariæ in Conventuali Eccleſia Leominſtr.* xii d. *annui redditus provenientes de quodam Meſuagio in Mariſco quod fuit Ricardi* Caretarii, *&c.* Sine Dat. Ex libro Chart. Priorat. Leominſtr. See *Carreta.*

Cariſtia, Dearth, Scarcity, Dearneſs, —— *Rex Majori & Vic. London, Salutem. Querela Archiepiſcoporum, Comitum,* —— *quod de Bobus, Vaccis, mulionibus, &c. magna & quaſi intollerabilis eſt* Cariſtia *hiis diebus ſub, &c.* Pat. 8. Ed. 1. m. 14. intus.

Caritas, *Ad Caritatem, Poculum Caritatis* A Grace-Cup: Or an extraordinary Allowance of Wine, or other good Liquor, wherein the Religious at Feſtivals drank in Commemoration of their Founders and Benefactors. So among the Cuſtoms of the Abbey of *Glaſtonbury:* —— *In diebus ſolennibus quum fratres fuerunt in cappis, medonem habuerunt in juſtis, & ſimulas ſuper menſam, & virum ad* caritatem, *& tria generalia, & quatuor vel quinq; pietantias* —— *& hæc eſt aſſiſa quum pro cereviſia vinum debent habere, unuſquiſq; ſicilicet habere debet duas* caritates *in die.* Cartular. Abbat Glaſton. MS. f. 29.

Carke, Seems to be a Quantity of Wool, whereof thirty make a Sarpler. 27 *H. 6. cap.* 2. See *Sarpler.*

Carlille. See *Luguvallum.*

Carnarium, A Charnel-houſe, or Repoſitory for the Bones of the Dead. —— *In* carnario *autem ſubtus dictam capellam Sancti* Johannis (*in civitate* Norwicenſi) *conſtituto, oſſa humana in civitate* Norwici *humata de licentia ſacriſtæ qui pro tempore fuerit, qui dicti* carnarii *clavem & cuſtodiam habebit ſpecialem, ut uſq; ad reſurrectionem generalem honeſtius conſerventur, a* carnibus *integre denudata reponi volumus & obſervari.* —— Cartular. Fundationis Capellæ Sancti Johannis in occid. parte Eccl. Norwic. per Joh. Norwic. Epiſ. Dat. 4. Pon. Oct. 1316.

Carno, Seems to ſignify an Immunity or Privilege. *Cromp. Juriſd. fol.* 191. *Prior de Melton ſe & homines ſuos immunes clamat ab omnibus Amerciamentis in Foreſta & ab omnibus Geldis, Footgeldis, Buckſtals, Tritis,* Carno *& Sumag. &c.* Itin. Pick. f. 168. b. *Tributum aliquod fundi domino debitum,* ſays *Spelman.*

Carola, A little Pew, Cloſet, or other Safehold. —— *In correctionibus factis apud* Kirkham *A.* 1279. *Injunctum fuit ut Prior, vel Subprior ſæpius, vel ſaltem aliquotiens in anno* carolas *Canonicorum in clauſtro & alibi in Monaſterio faciat in ſua præſentia aperiri, & res incluſas oculis ſubjiciat, ne per ſurrurum hujuſmodi operiatur facultas ſeu occaſio delinquendi.* Ex Regiſtr. Will. Wickwane Archiepiſc. Ebor. f. 76. See *Carrels.*

Carpemeales, A courſe Sort of Cloth made in the North of *England*, mentioned 7 *Jac.* 16.

Carr, (*Carrus,*) In ſome Places it is a Kind of Cart with Weels; in others a Sled, drawn and ſliding on the Ground. —— *In loco, in quo ſumetur quod opus fuerit ad reparationem domorum, carucarum,* Carrorum, *& cæterorum ſupellectilium domus.* Charta Gaufredi de Lamay mil. Abbati de Burgo.

Carragium, The ſame with *Cariagium*, a Carriage.

Carrat, or *Caret.* The Word was formerly uſed for any Weight or Burthen, tho' now appropriated to the Weight of four Grains in Diamonds.

Carrectata terræ. See *Carucata terræ. Quod cum ipſa teneat de ipſo duas* Carrectatas terræ *in Coningſtone per homagium, unde duodecim carucatæ faciunt unum feodum militis.* Co. Litt. Sect. 95. See *Carecta.*

Carreta, (*alia Carecta*) was anciently uſed for a Carriage, Wain, or Cart-load. *Sciunt præſentes & futuri, quod ego* Henricus de Ribesford *Dedi,* —— Rogero *filio* Ade *Piſtoris pro Homagio & Servitio ſuo totum pratum meum de* Wiggemore. *Reddend. inde annuatim mihi & hæredibus meis ipſe & hæredes ſui unam* Carretam *fœni rationabilem & bene fœnatam, &c.* Sine dat. Penes Tho. Bridgwater, Gen.

Carrels, Cloſets, or Apartments for Privacy and Retirement. —— 'Three Pews or *Carrels*, where every one of the old Monks had 'his *Carrel* ſeveral by himſelf, to which, having 'dined, they did reſort, and there ſtudy: —— 'theſe Pews or *Carrels* were finely wainſcoted, 'and very cloſe. *Davies Mon. of* Durham, *p.* 31. 'Vid. *Carola.*

Carrick, or Carrack, (*Carrucha*,) a Ship of great Buthen; ſo called of the *Italian* Word *Carico*, or *Carco*, a Burthen or Charge: Mentioned 2 *Rich.* 2. *cap.* 4. *Walſ. in R.* 2. *pag.* 322. *Obviat magnis coggonibus, & ſex* Carricis *refertis vini ſpeciebus.* And as they were uſed in Trade, ſo they were alſo in War; as *Walſing. in H.* 5. *fol.* 394. viz. *Galli conduxerant claſſem magnarum navium* Carricarum, *&c. qua regnum Angliæ moleſtarent.*

Carroway-ſeeds, alias *Carruway-ſeeds*, Is a Seed ſpringing of the Herb ſo called, of whoſe Operation you may read in *Gerard's* Herbal, *lib.* 2. *cap.* 396. It is reckoned among the Merchandize, that ought to be garbled, by 1 *Jac. cap.* 19.

Cartatus, *Carcatus*, The Word is uſed of a Ship, or Veſſel laden with a Cargo of Goods.—— *Quandam navem* Ceſtriæ, *quæ in poteſtate veſtra applicuit* cartata *blado & aliis victualibus, arreſtari feciſtis.* Clauſ. 25 H. 3. Brady Hiſt. Engl. Append. 193. Hence *carcare* to load, *diſcarcare* to unload a Ship.

Cartel. See *Chartel.*

Caruage, *Carvagium.* See *Carucata.*

Caruca, French *Charrue*, a Plough; from the old Gallic *Carr*, a Plough, which is the preſent *Iriſh* Word for any Sort of wheel'd Carriage. from whence the Sax. *Ceorl*, a Ploughman, the Northern *Kurl*, our Southern *Churl*, and in Corruption of Places *Charl*, as *Charlton*, *Charlbury*, &c. *Carl* in the Modern *Welſh*, is a Ruſtick, or Clown.

Carucagium, Was a Tribute impoſed on every Plough for the publick Service. *Regi conceſſum eſt per totam Angliam* Carucagium *de qualibet carma duo ſolidi argenti.* As Hidage was a Taxation by Hides of Land, ſo *Carucage* was by Carucats of Land, which at firſt was but 4 *d.* for every Plough.—— *Dederunt S. Edmundo de qualibet Carucata terræ in toto Epiſcopatu quatuor Denarios annuos, quod uſque modo, ea de cauſa,* Carucagium *eſt appellatum.* Mon. Angl. 1 par. fol. 294. a.

Carucata, A Plough-land, *Domeſday*, Mr. *Agar.* It is a certain Quantity of Land, by which the Subjects have been ſometimes taxed; whereupon the Tribute levied upon a Carue of Land, was called *Carugagium. Bracton, lib.* 2. *cap.* 26. *n.* 8. & *cap.* 17. It may contain Houſes, Mills, Paſture, Meadow, Wood, &c. *Co.* on *Littl. ſect.* 119. It is ſometimes uſed for a Cart-load, as *Una* carucata *ligni in foreſta noſtra.* Mon. Angl. 2 par. f. 311. *Littleton cap.* Tenure in Socage ſaith, That *Soca idem eſt quod* Caruca: Yet *Stow* in his *Annals, pag.* 271. makes me doubt, where he ſaith, The ſame King *Henry* took *Caruage*; that is to ſay, Two Marks of Silver of every Knight's Fee towards the Marriage of his Siſter *Iſabella* to the Emperor, where *Caruage* cannot be taken for a Plough-Land, except there were ſome other further Diviſion, whereby to raiſe of every Plough-land ſo much, and ſo conſequently of every Knight's Fee, that is, of every 680 Acres, two Marks of Silver. *Raſtal*, in his Expoſition of Words, ſaith, That *Caruage* is to be quit, if the King ſhall tax all the Land by *Carues*; that is, a Privilege, whereby a Man is exempted from *Caruage. Skene de verb. ſignif. verb.* Carucata *terræ*, deriveth it from the French *Charrow* (more truly *Charrue*) a Plough, and ſaith, That it contains as great a Portion of Land as may be tilled and laboured in a Year and a Day, with one Plough; which alſo is called *Hilda*, or *Hida terræ*, a Word very frequently uſed in the *Britain* Laws. *Lambard* among his Precedents, towards the End of his *Eirenarcha*, tranſlates *carucatam terræ*, a Plough-land. The Word *Carue* is mentioned in the Statute of Wards and Reliefs, made 28 *E.* 1. and in *Magna Charta*, cap. 5. See *Co.* on *Littl. fol.* 69. *a.* See Mr. *Kennet's* Gloſſary, *in voce* Carucata.

Carucata Boum, A Team or Draught of Oxen, for drawing or ploughing, which in ſome Weſtern Parts of *England* is ſtill called a Plough of Oxen. *Gilbert Baſſet*, Founder of *Burceſter* Priory, grants to it—— *Paſturam in mea Dominica paſtura ad tres* Carucatas Boum *trahentium una cum bobus meis trahentibus.* Paroch. Antiquit. p. 135. They are called *Boves de caruca*, in a Charter of *Aubery de Vere*, to the Abbey of *Noteley. ibid. p.* 155.

Carucatarius, He that held Land in Caruage, in Socage, or Plough-Tenure.—— *Summa redditauum* carucatariorum, *ſi fuerint ad firmam* xxii *ſol.*—— *ſumma gallinarum* carucatariorum & *cotariorum* exiv *gallinæ.* Paroch. Antiq. p. 354.

Caſſatum and Caſſata, (from the Ital. *Caſa*, *i. e. Domus*;) *Habitaculum cum terra idonea ad unam familiam alendam*; *alias* Caſamentum: *Saxonibus noſtris* Hide; Beda, *Familia.*

Ego Forterus, *famulus famulorum Dei, pro redemptione animæ meæ, unum* Caſſatum *dedi Aldberto Abbati, quæ ſita eſt juxta fluvium Æſce, ad portam quæ dicitur* Bledenithe *ad inſulam parvam, & ad Eccleſiam beati* Martini *Confeſſoris, in propriam ſubſtantiam. Habendum, Donandumque cuicunque voluerit. Qui hanc chartam infringere temptaverit, ſciat ſeipſum a Communione Sanctorum ſeparatum & ab omnipotenti Deo. Ego* Forterus *conſenſi & ſubſcripſi Acta eſt autem hæc donatio Anno* DCCXII. *Indictione prima.* Ex Reg. Glaſton. Cænob. penes Rad. Sheldon, Arm.

Caſſata is the ſame with *Hida. Rex Angl. Ethelred. de* 310 Caſſatis *unum trierem, &c. Hoveden, Anno* 1008, and *Henry Huntingdon*, mentioning the ſame Thing, inſtead of *Caſſata* writes *Hilda. Du Cange.*

Caſhlitt is a *Saxon* Word, and ſignifies a Mulct; *Si autem poſt Excommunicationem, &c. venerit, foriſfacturam ſuam quæ Anglice vocatur* Thſcrhynneſſe *ſeu* Caſhilite, *pro unaquaq; vocatione Epiſcopo reddat, &c.* Du Cange.

Caſſia fiſtula, Is a Tree that beareth black, round and long Cods, wherein is contained a Pulp ſoft and pleaſantly ſweet, ſerving for many Uſes in Phyſick. This Tree, with the Virtues you may find deſcribed in *Gerard's* Herbal, *lib.* 3. *cap.* 77. The Fruit is mentioned in the Statute 1 *Jac. cap.* 19. among the Drugs and Spices to be garbled.

Caſſia lignea, Is a ſweet Wood, not unlike the Cinamon, whereof you may read in *Gerard's* Herbal, *lib.* 1. *cap.* 19. and compriſed among Merchandize to be garbled.

Caſſidile, A little Sack, Purſe, or Pocket: *Protulit in* Caſſidili *toxicum mellitum.* Matt. Weſtm.

Caſſii, The Hundred of *Caiſhow* in *Hertfordſhire.*

Caſſiterides, The Iſles of *Silly.*

Caſtel, or Caſtle, *Caſtellum*, Is well known. In the Time of *Henry* the Second, there were in *England* 1115 *Caſtles*; every *Caſtle* contains a Manor; ſo that the Conſtable of a *Caſtle*, is the Conſtable of a Manor. 2 *Part. Inſt. fol.* 31.

Castle-guard Rents, Are Rents paid by those that dwell within the Precincts of any *Castle*, towards the Maintenance of such as watch and ward the same. *Act for settling certain Rents in Trustees*, 22 & 23 *Car.* 2.

Castleward, *Castlegardium*, vel *Wardum Castri*, Is an Imposition laid upon such of the King's Subjects as dwell within a certain Compass of any *Castle*, towards the Maintenance of such as do watch and ward the *Castle*. *Mag. Chart. cap.* 20. and 32 *H.* 8. *cap.* 48. It is used sometime for the very Circuit it self, which is inhabited by such as are subject to this Service; as in *Stow's* Annals, *pa.* 632. *Et capere ibidem Castleward*, viz. *De qualibet districtione infra feodum ipsius ducis ad* Castellum *de* Halton *ducti, & ibidem una de causa, si per totam noctem pernoctaverit, quatuor denarios*, Pl. apud Cestr. 31 E. 3. See *Stagium*.

Castellain, (French *Chastellain*,) The Lord, Owner, or Captain of a Castle, and sometimes the Constable of a Castle, or fortified House. *Bracton, lib.* 5. *tract.* 2. *cap.* 16. and *lib.* 2. *cap.* 32. *num.* 2. and used in like Sense. 3 *Ed.* 1. *cap.* 7. It is sometimes taken for him that hath the Custody of one of the King's Mansion-Houses, though not a Castle, or Place of Defence. 2 *Part. Inst. fol.* 31. *Manwood, Part* 1. *pag.* 113. saith, There was an Officer of the Forest Called *Castellanus*, who had the Command of all or Part of the Forest. Of the Use and Extent of this Officer in *France*, see *Cotgrave's Dictionary, verbo* Chastellain.

Castellarii, (*Castellarium & Castellatus.*)——*Et unum Toftum juxta* Castellarium. Mon. Angl. 2 Par. f. 402. a. *Comes* Alanus *habet in suo* Castellatu 200 *Maneria*. Domesday. The Precinct or Jurisdiction of a Castle.

Castellatio, This was the Building any Castle without the Leave of the King; which it was unlawful to do. *Hæc mittant hominem in misericordia Regis*, viz. *Infractio pacis, infidelitas & proditio, despectus de eo*, Castellatio *sine licentia*. Du Fresne.

Castellorum operatio, Castle-work, or Service and Labour done by inferiour Tenants, for the Building and upholding Castles and publick Places of Defence: Toward which some gave their Personal Assistance, and others paid their Contribution. This was one of the three necessary Charges, to which all Lands among our *Saxon* Ancestors were expresly subject.——*Liberi ab omni servitio, excepta trinoda necessitate——Pontis & Arcis construction & expeditione contra hostem.* After the Conquest an Immunity from this Burden was sometimes granted: So King *John* to the Nunnery of St. *Catherine* without the City of *Exeter*, —— *quietos esse de operationibus* Castellorum *& Pontium*. Mon. Angl. tom. 1. f. 503. b. So King *Hen.* II. to the Tenants within the Honour of *Wallingford*, —— *Ut quieti sint de operationibus* Castellorum. Paroch. Antiq. p. 114.

Caster and **Chester**, The Names of Places ending in *Caster* and *Chester*, are derived from the Sax. *Ceaster*, which signifies a City, Town, or Castel; or rather from the Latin *Castrum*: For the Names which end with this Termination were given by the *Romans* to those Places where they built Castles.

Castle. See *Castel.*

Castor and **Castritius**, A Weather Sheep. Castores *enim bonis velleribus communiti cum matricibus bidentibus.* Du Cange. Monasticon, pag. 888. 55 *Acras terræ & pasturam ad ducentas oves, octo* Castritios *& sexdecim boves, &c.*

Casu consimili, Is a Writ of Entry granted where the Tenant by Curtesy, or Tenant for Term of Life, or for the Life of another, doth alien in Fee, or in Tail, or for Term of another's Life. And it hath the Name of this; for that the Clerks of the *Chancery* did, by their common Consent, frame it to the Likeness of the Writ, called *In casu proviso*, according to the Authority given them by the Stat. *West.* 2. *cap.* 24. which, as often as there chanceth any new Case in *Chancery*, something like to a former Case, and yet not especially fitted by any Writ, licenseth them to frame a new Form answerable to the new Case, and as like some former Case, as they may. And this Writ is granted to him in the Reversion against the Party to whom the said Tenant so alienateth to his Prejudice, and in the Life-time of the said Tenant. The Form and Effect whereof, read more at large in *F. N. B. fol.* 206.

Casula, A certain Garment belonging to the Priests, *quasi minor casa*; because it covered him over. Sometimes 'tis taken for *Cuculla*; for both have the same Signification: *Cucullam nos esse dicimus quam alio nomine* Casulam *vocamus.* And from hence we call it a Cassock;

—Casulaque capax a forfice forma
Post longas habitura plicas contracta ministris.

Casu proviso, Is a Writ of Entry given by the Statute of *Gloucester, cap.* 7. in Case where a Tenant in Dower alieneth in Fee; or for Term of Life, or in Tail, and lieth for him in Reversion against the Alienee, whereof read *F. N. B. fol.* 205.

Catals, alias **Chattels**, *Catalla*, Cometh from the *Normans*; for in the Eighty-seventh Chapter of the *Grand Custumary*, you shall find that all moveable Goods with them are called *Chattels*; the contrary whereof is *Fief. ibid.* which we call *Fee.* But as it is used in our Common Law, it comprehends not all Goods moveable and immoveable, but such as are in the Nature of Freehold, or Parcel thereof, as may be gathered out of *Staundf. Prærog. cap.* 16. And *Anno* 1 *Eliz. cap.* 2. Howbeit *Kitchin*, in his Chapter *Catalla, fol.* 32. saith, That ready Money is not accounted any Goods or *Chattels*, nor Hawks nor Hounds; the Reason for Hawks and Hounds he gives, is because they are *Feræ naturæ*; but why Money is not, tho' he set not down the Cause, yet it may be gathered to be, for that Money of it self is not of Worth, but as by Consent of Men for their easier Traffick, or Permutation of Things necessary for Life. It is reckoned a Thing rather consisting in Imagination, than in Deed. And here Note, That *Chattels* be either personal, or real: Personal may be so called in two Respects; one because they belong immediately to the Person of a Man; as a Bow, a Horse, *&c.* the other, for that being any way with-held injuriously from us, we have no Means to recover them but by personal Action: *Chattels* real be such, as either do not appertain to the Person, but to some other Thing by way of Dependency, as a Box with Charters of Land; the Body of a Ward, Apples upon a Tree, or a Tree it self growing on the Ground, *Cromp.* Justice of Peace, *f.* 33. *b.* or else such as are necessary, issuing out of some immoveable

immoveable Thing to a Perſon, as a Leaſe or Rent for Term of Years. And alſo to hold at Will, is a *Chattel* real. *Termis de la Ley, verbo* Chattel. The Civilians comprehend theſe Things, as alſo Land, of what Kind or Holds ſoever, under *Bona*; *Bona autem dividuntur in mobilia & immobilia*; *mobilia vero in ea quæ ſe movent vel ab aliis moventur.* V. Legem. 49. & L. 208. de verb. ſignif. & interpretes ibid. *Bracton* alſo *cap.* 3. *lib.* 3. *n.* 3, & 4. ſeemeth to be of the ſame Judgment. *Chattels* are *bona quæcunque mobilia & immobilia*; *proprie tamen ea bonorum pars quæ in animalibus conſiſtit*; *a quorum* capitibus *res ipſæ alias* capita, *alias* capitalia *dicta ſunt.* Spelm.

Catallis captis nomine diſtrictionis, Is a Writ that lieth within a Borough, or within a Houſe, for Rent going out of the ſame, and warranteth a Man to take the Doors, Windows or Gates by way of Diſtreſs for the Rent. *Old. Nat. Brev. fol.* 66.

Catallis reddendis, Is a Writ which lieth where Goods being delivered to any Man to keep unto a certain Day, and be not upon Demand delivered at the Day. And it may be otherwiſe called *A Writ of Detinue.* See more of it *Reg. Orig. fol.* 139. and *Old. Nat. Brev. f.* 63. This is anſwerable to *Actio Depoſiti* in the Civil Law.

Catapanus, Catepanus, Catipanus, the ſame with *Capitaneus*, a Captain.

Partibus Auſoniis Gallorum terror habetur
Ex quo Normannos Catapan *abſcedere fecit.*

Catapulta. —— Edmundus Willoughby *tenet unum meſſuagium & ſex bovatas terræ in* Carletun, *ut de manerio de* Shelford *per ſervitium unius* catapultæ *per annum pro omni ſervitio.* Lib. Schedul. de Term. Mich. 14 H. 4. Notr. f. 210. ——Some render it a Warlike Engine to ſhoot Darts, a Sling. ——I rather take it for a Croſs-bow.

Cataſcopus, ſignifies an Archdeacon: *Adulfus Herefordenſis Eccleſiæ* Cataſcopus. Du Freſne.

Catch-land, In *Norfolk* they have ſome Grounds where it is not known to what Pariſh they certainly belong, ſo as the Miniſter who firſt ſeiſes the Tithe, does by that Right of Pre-occupation enjoy it for that one Year. The Land of this dubious Nature is there called *Catch-land.*

Catchpol, (*Cachepollus* and *Cacepollus*, *quaſi*, one that *catches* by the *Poll*,) though now taken as a Word of Contempt, yet in ancient Times it was uſed, without Reproach, for ſuch as we now call *Serjeants of the Mace*, Bailiffs, or any other that uſe to arreſt Men upon any Action. *An.* 25 *E.* 3. *Stat.* 4. *cap.* 2. —— *Hoſpitalarii tenent in Hereford, unum Meſuagium quod Philippus filius Odonis tenuit per Serjantiam* Cachepolli, *quod eis legavit in puram eleemoſynam.* Rot. de Serjantiis in Heref. temp. Hen. 3.

Cathedra marmorea. See *Lapis Marmoreus.*

Cathedral. See *Church.*

Cathedratick, *Cathedraticum*, Is a Sum of two Shillings pay'd to the Biſhop by the inferior Clergy, *In argumentum ſubjectionis, & ob honorem* Cathedræ. See Hiſt. of Procurations and Synonals, p. 82.

Cattieuchlani were the Inhabitants of *Hertfordſhire, Bedfordſhire* and *Buckinghamſhire.*

Catzurus, A Hunting Horſe. —— Willielmus *filius* Alani *dat Regi duos bonos* Catzuros, *pro habendis duobus Feriis apud* Norton. An. 6 R. Joh. —— Tenures, p. 68. *Vid.* Chacurus.

Cauda terræ, A Land's End, or the Bottom or extreme Part of a Rigde or Furrow in arable Land. ——*duæ acræ & dimidia ad* caudam *ſex acrarum ſimul jacentium* —— *item dimidia acra ad* caudam *unius acræ.* Cartular. Abbat. Glaſton. MS. f. 117. b.

Cavers.

And two great Courts of Berghmote *ought to be*
In every Year, upon the Minery,
To puniſh Miners that tranſgreſs the Law,
To curb Offendors, and to keep in Awe
Such as be Cavers, *or do rob Men's Coes;*
Such as be Pilferers, or do ſteal Men's Stoes.
Manlove's *Poem on* Derb. *Mines.*

Cauſceis, (*Anno* 6 *Hen.* 6. *cap.* 5.) *Cauſies*, 1 *Ed.* 4. *cap.* 1.) It ſhould probably be written *Cauſeways*, from the old *French* Word *Cauz*, now *Caillou* a Flint; and is well known to ſignify Ways pitched with Flint, or other Stone; for the *Via Appia* in *Italy* is a *Cauſeway*, made of black *Flint-ſtones*, ——*Pro ponte & calceto reparand.* Pat. 18 H. 6. p. 2. m. 22. I have ſeen it written *Calceya*, *Caſea*, and *Calſetum*, in old Records: Perhaps from the Ital. *Calzata.*

Caurſines, *Cacrcini*, *Caurſini*, *Corſoni*, *Italian* Merchants, ſo called from *Caorſium*, *Caorſi*, a Town in *Lombardy*, where they firſt practiſed their Arts of Uſury and Extortion: And thence ſpreading themſelves, and their curſed Trade through moſt Parts of *Europe*, were a common Plague to every Nation where they came. *Matthew Paris* gives a Character of their odious Practices in *England*, under the Year 1237. And *Matth. Weſtm. ſub. an.* 1232. King *Henry* the Third baniſhed them from this Kingdom, in the Year 1240. But being the Pope's Sollicitors, Procurers, and Money-Changers, they were permitted to return in the Year 1250. but in very ſhort Time were expelled for their intolerable Cheats and Exactions.

Cauſa Matrimonii præloquti, Is a Writ which lies in Caſe where a Woman giveth Lands to a Man in Fee-ſimple, to the Intent he ſhall marry her, and he refuſeth ſo to do, in reaſonable Time, being required thereunto by the Woman; the Form and other Uſe thereof, ſee *Reg. Orig. f.* 233, and *F. N. B.* 205.

Cauſam nobis ſignifices, Is a Writ which lieth to a Mayor of a Town or City, &c. that formerly by the King's Writ, being commanded to give Seiſin unto the King's Grantee of any Lands or Tenements, doth delay ſo to do, willing him to ſhew cauſe why he ſo delayeth the Performance of his Charge. *Co. lib.* 4. *caſu*, Commonalty *de* Sadlers, *f.* 55. *b.*

Cauſea, the ſame with *Calcea*, *Calceta*, which we call a *Cauſeway*: *Quotidie venerunt Franci ad* Cauſeam, *inire haſtiludium cum Anglis.* Knighton. So in the *Monaſticon*, 1 *Tom. p.* 275. *Inceptum fuit* Cauſetum *novi vici ante portas Abbatiæ.*

Cauſennæ. See *Gauſennæ.*

Cautione Admittenda, Is a Writ that lieth againſt the Biſhop, holding an excommunicate Perſon in Priſon for his Contempt, notwithſtanding that he offereth ſufficient Caution, or Pledges to obey the Commandments and Orders of Holy Church from henceforth. The Form and Effect whereof you may find in *Reg. Orig. pag.* 66. and *F. N. B. f.* 63.

Cap, a Key or Water-lock. Sometimes it signifies an Houſe; *De quadam* Caia *& domo, &c.* From the Brit. Cae, which is a Fence; and not from the Sax. *Cæg, Clavis.*

Capagium, A Toll, or Duty pay'd to the King for landing Goods at ſome Key or Wharf. King *Edward* I. grants by Charter to the Barons of the Cinque Ports,——*Ut quieti ſint de omni thelonio, & omni conſuetudine, videl. ab omni laſtagio, tallagio, paſſagio,* cayagio, *rivagio, ſponſagio, & omni Wiree, &c.* Placit. temp. Ed. I. & Ed. II. MS. penes Dominum *Fountains.*

Ceangilde, A Word derived from the Saxon *ceap,* ſignifying *pecus* Cattle; and *gild, ſolutio*; that is, *Solutio Pecudis* or *Pecudis ſeu Mercemonii reſtitutio:* From this *Saxon* Word *Gild,* haply we may have our common *Engliſh* Word Yield; As, *Yield, or Pay.*

Celdra, A certain Meaſure among the *Scotch,* called by them a Chalder: Whence our Chaldron of *Scotch* and *Newcaſtle* Coals. *Rex Scotiæ honoris gratia, dedit* (*Epiſc.* Sarisber. & Rouceſtr. *tunc in* Scotia *agentibus*) *octoginta* Celdras *frumenti, & ſexaginta ſex de braſio, & octaginta de avena.* Cron. Mailros, ſub an. 1209.

Celer Lecti, The Top, Head, Teſte, or Teſter of a Bed.——*Dedit ad cameram Prioris unum lectum, cum* celere *& curtenis blodei coloris.* Hiſt. Elin. apud Whartoni Angl. Sac. P. 1. p. 673.

Cellerarius, alias Cellarius, *Officialis eſt in Monaſterio qui fratrum ſtipendia ſervat & adminiſtrat.* MS. In Monaſteries he was in Nature of a Steward, *qui totius Abbatiæ curam gerebat. Cellerarius propter dignitatem Officii, ſecundus pater eſt in Monaſterio.* Mon. Angl. par. f. 302. a. In the Univerſities of *England* they are ſometimes called Manciples, ſometimes Caterers, and ſometimes Stewards.

Celeſtrine a Sort of Sky-coloured Cloth, ſo called from *cæruleo vel cæleſti colore.* 1 Ric. 3. cap. 8.

Cendu'æ, Shingles, Shindles, *Scandulæ,* ſmall Pieces of Wood, laid in Form of Tiles, to cover the Roof of a Houſe.——*Mandatum ad* cendulas *& lattas noſtras cariandas de Parco ad domus reficiendas.* Pat. 4 H. 3. P. 1. m. 10.

Cenegild, This is an expiatory Mulct, paid by one who kills another, to the Kindred of the Deceaſed. From the Sax. *Cinne Cognatio,* and *gild ſolutio.* See *Mægbote* and *Kenegild.*

Cenellæ, Acorns; ſo called from the Oak, Fr. *Cheſne*: Whence in our old Writings, *Peſſona cenellarum,* is put for the Pannage of Hogs, or running of Swine, to feed on Acrons. ——*habeant xxx Porcos.*

Ceni magni. See *Iceni.*

Cenio, The River near *Tregony* in *Cornwal.*

Cenninga, This is Notice given by the Buyer to the Seller, that the Thing ſold is claimed by another, that he might appear and juſtify the Sale; from the Saxon *Cennan tean,* i. e. *auctorem advocare:* 'Tis mentioned in the Laws of *Athelſtan apud Brompton, cap.* 4. viz. *Diximus de ignotis pecoribus ut nemo habeat ſine Teſtimonio hominis hundredi, &c. & ſit hoc bene credibile, & niſi alterutrum habeat, nolumus ei permittere* Cenningham *aliquam.*

Censa ia, A Farm, or Houſe and Land, let *ad cenſam,* at a ſtanding Rent.——Henricus Sturmy *tenet maneria in com.* Wilt. *per ſervitium cuſtodiendi ballivam totius foreſtæ de* Savernake, & cenſariam, *quæ vocatur* La Farme *in foreſta prædicta, temp. Ed. III.* Tenures, p. 88. *Et debent habere mortuum boſcum in* Cenſaria *de le Verre in foreſta de Savornge,* &c. Pet. Parl. Temp. *Ed.* 3.

Cenſarii——*Domeſday.* Tit. *Everwic. Ackum —— Ibi ſunt nunc* 14 Cenſarii, *habentes ſeptem Carucatas.* Farmers, ſuch as might be taxed.

Cenſumorthidus, *i. e.* A dead Rent like that which we call *Mortmain:* 'Tis mentioned in the *Monaſticon,* 1 *Tom. pag.* 61. *Sint omnino liberæ Cellæ Eccleſiæ cum redditibus & ſervitiis, debitis &* Cenſumorthidis.

Cenſure, or *Cuſtuma vocata* Cenſure, (from the Lat. *Cenſus,* which *Heſychius* expounds to be a Kind of perſonal Money, paid for every Poll) is, in divers Manors in *Cornwall* and *Devon,* the calling of all Reſiants therein above the Age of ſixteen, to ſwear Fealty to the Lord, to pay *ii d. per Poll,* and *i d. per an.* ever after; as *Cert-money* or *Common Fine*; and theſe thus ſworn, are called *Cenſers.*—— Item *erat quædam* Cuſtuma *quæ vocatur* Cenſure, *proven. de illis qui manent in Burgo de* Loſtreythiel. *Survey of the Dutchy of* Cornwall.

Centurp. See *Hundred.*

Ceola, A great Ship: 'Tis mentioned in *Malmesbury, lib.* 1. *c.* 1. viz. *Placidoque ventorum favore, tribus longis navibus, quas illi* Ciolas *alias* Ceolas *vocant, Britanniam advehebantur.*

Ceorl, *i. e.* Churl. See *Cheorl*: *Ruſtici ſi* Ceorli *& fœminæ pueros habent.*

Cepi corpus, Is a Return made by the Sheriff, that upon a *Capias, Exigent,* or other Proceſs, hath taken the Body of the Party. *F. N. B. fol.* 26.

Ceppagium, The Stumps or Roots of Trees which remain in the Ground after the Trees are felled: *In Fleta, lib.* 2. *c.* 41. *par.* 24. *Qui foreſtarii ceperint coopertiones,* ceppagia *& eſcheatas quercuum ſive aliarum arborum, &c.*

Ceragium, Cerage, *i. e.* Waxſcot, or a Payment to find Wax Candles in the Church. See *Waxſhot*: 'Tis mentioned in *Matt. Pariſ.* viz. *Si Eccleſia petat* Ceragium *vel herietum, &c.*

Certificando de recognitione ſtatu æ, Is a Writ directed to the Mayor of the *Staple, &c.* commanding him to certify the Lord Chancellor of a Statute of the *Staple,* taken before him between ſuch and ſuch, in caſe where the Party himſelf detaineth it, and refuſes to bring it in. *Reg. Orig. fol.* 152. *b.* In like Manner may be ſaid of *Certificando de ſtatuto Mercatorio.* Eod f. 148. And *de* certificando *in cancellariam de inquiſitione de indemptitate nominis,* fol. 195. And *certificando quando recognitio, &c.* And *certificando quid actum eſt de brevi ſuper ſtatutum mercatorium,* f. 151. And *certificando in loquela Warrantiæ,* f. 13.

Certificat, *Certificatorium,* Is uſed for a Writing made in any Court, to give Notice to another Court of any Thing done therein. As for Example, a *Certificate* of the Cauſe of Attaint, is a Tranſcript made briefly, and in few Words, by the Clerk of the Crown, Clerk of the Peace, or Clerk of Aſſiſe, to the Court of the King's Bench, containing the Tenor and Effect of every Indictment, Outlawry, or Conviction, and Clerk attainted, made or pronounced in any other Court. 34 *H.* 8. 14. Of this, ſee more in *Critiſ. d'Eveſq; Bro. f.* 119.

Certification of Aſſiſe of Novel Diſſeiſin, &c *Certificatio Aſſiſæ Novæ Diſſeiſinæ, &c.* Is a Writ granted for the Re-examining or Review of a Matter paſſed by *Aſſiſe* before any Juſtices, and is called *Certificatio Novæ Diſſeiſinæ. Old Nat. Brev. fol.* 181. Of this, ſee alſo *Reg. Orig. fol.* 200. and the New Book of Entries, *verb. Certificate of Aſſiſe.* This Word hath Uſe, where a Man appearing by his Bailiff to an *Aſſiſe* brought by another, hath

loſt the Day, and having ſomething more to plead for himſelf, as a Deed of Releaſe, &c. which the Bailiff did not, or might not plead for him, deſireth a farther Examination of the Cauſe, either before the ſame Juſtices or others, and obtaineth Letters Patent to them to that Effect. The Form of theſe Letters Patent, you may ſee *F. N. B. f.* 181. and that done, bringeth a Writ to the Sheriff, to call both the Party for whom the *Aſſiſe* paſſed, and the Jury that was empannelled upon the ſame, before the ſaid Juſtices, at a certain Day and Place: And it is called a *Certificate*, becauſe in it there is Mention made to the Sheriff, that upon the Parties Complaint of the defective Examination, or Doubts yet remaining upon the *Aſſiſe* paſſed, the King hath directed his Letters Patent to the Juſtices, for the better certifying of themſelves, whether all Points of the ſaid *Aſſiſe* were duly examined. See farther, *Old Nat. Brev.* and F. N. B. *ubi ſupra.* Of this you may alſo read *Bract. lib.* 4. *c.* 19. *n.* 4. *in fine*, & 5, 6. where he diſcuſſeth the Reaſon of this Point very learnedly. And laſtly, *Horne* in his Mirror of Juſt. *lib.* 3. *cap. final. ſect. En Ayde des Memoyres*, &c.

Cert-Money, (*quaſi*, *Certain Money*) *Head-money* or common Fine, paid yearly by the Reſiants of ſeveral Manors to the Lords thereof, *Pro certo Letæ*, for the certain keeping of the *Leet*; and ſometimes to the *Hundred.* As the Manor of *Hook* in *Dorſetſhire*, pays *Cert-money* to the Hundred of *Egerdon.* This in ancient Records is called *Certum Letæ.* See *Common Fine.*

Certiorari, Is a Writ out of the *Chancery* to an inferior Court, to call up the Records of a Cauſe therein depending, that conſcionable Juſtice may be therein adminiſtred, upon Complaint made by Bill, that the Party which ſeeketh the ſaid Writ, hath receiv'd hard dealing in the ſaid Courts. *Termes de Ley.* See the divers Forms and Uſes of this, *F. N. B. fol.* 242. as alſo the Regiſter, both Original and Judicial in the Tables, *verb. Certiorari*; *Crompton* in his Juſtice of Peace, *fol.* 117. ſaith, That this Writ is either returnable in the King's Bench, and then hath theſe Words, *Nobis mittatis*; or in the *Chancery*, and then hath *in Cancellaria noſtra*; or in the *Common Bench*, and then hath *coram Juſticiariis noſtris de Banco.* The Word *certiorari* is uſed divers Times in the Digeſt of the Civil Law: But our later Criticks think it ſo barbarous, that they ſuſpect it to be rather foiſted in by *Tribonean*, than to be originally uſed by thoſe Men of whoſe Works the ſaid Digeſt is compiled: *Prataus in ſuo Lexico.*

Cerura, A Mound, Fence or Encloſure.—Willielmus de Lucey *miles*, *dedit* Thomæ *Miniſtro Domus de* Thelesford, *licentiam domos & portas levare, ædificare, & cum* cereris, *& muris includere viam quæ ducit ad Eccleſiam de* Thelesford, *ſicut per muros dictorum Miniſtri & Fratrum juxta ponten extenditur.* Cart. Prioratus de Thelesford, MS. Tho' poſſibly *Cerura* is here for *Serrura*, and is to ſignify a Water-lock.

Cerviſarii, The *Saxons* had a Duty called *Drincelean* or *Drinkelean*, i. e. *Dona potationis honoraria, quibus ſcilicet prædiorum Dominus a Vaſſallo honoratur & excipitur.* Whence thoſe Tenants were in *Domeſday*, called *Cervifarii*; from *Cerviſia*, Ale, their chief Drink; though *Cerviſarius* vulgarly ſignifies a Beer or Ale Brewer.

Ceſſabit is a Writ that lies in divers Caſes, as appears by *Fitz. Nat. Br. fol.* 280. upon this general Ground, *i. e.* That he againſt whom it is brought, hath for two Years neglected to perform ſuch Service, or to pay ſuch Rent as he is tied to by his Tenure, and hath not upon his Lands or Tenements ſufficient Goods or Cattle to be diſtrained. See *Fleta, lib.* 5. *cap.* 34. *ſect. viſa ſunt.* See *Ceſſavit de Cantaria.* Ceſſavit *de feodi firma.* Ceſſavit *per biennium, in Reg. of Writs, f.* 237, 238. and *New Book of Entries, verbo. Ceſſavit.* It lies not, but for annual Service, Rent, and ſuch like, not for Homage or Fealty.

Ceſſe. By 22 *H.* 8. *cap.* 3. it ſeems to ſignify Aſſeſſment, or Taxes: *Ceſſe* or *ceaſſe* in *Ireland* is an Exaction of Victuals, at a certain Rate, for the Deputy's Family, and the Soldiers in Garriſon. See the Earl of *Strafford's* Trial.

Ceſſion, (*Ceſſio*), a Ceaſing, Yielding up, or Giving over. *Si un Parſon ou Dean en Angliterre priſt un Everſquery en Ireland, ceo fait le primier Eſgliſe void per* Ceſſion. Latch's Rep. f. 234.——*Ratione vacationis Prioratus prædicti, per* Ceſſionem *Fratris Rogeri de Wellington, ultimi Prioris, &c.* Clauſ. 13 Ed. 3. p. 1. m. 38. *Ceſſion* is alſo where an Eccleſiaſtical Perſon is created Biſhop, or when a Parſon of a Parſonage takes another Benefice without Diſpenſation, or otherwiſe not qualified, &c. In both Caſes their firſt Benefices are become void, and are ſaid to come void by *Ceſſion:* And to thoſe that he had who was created Biſhop, the King ſhall preſent for that Time, whoever is Patron of them; and in the other Caſe the Patron may preſent.

Ceſſor, *Lat.* a Loiterer, or idle Fellow; but we uſe it for him that ceaſeth or neglecteth ſo long to perform a Duty belonging unto him, as that by his *ceſſe* or *ceſſing*, he incurreth the Danger of Law, and hath or may have the Writ *Ceſſavit* brought againſt him. *Old Nat. Brev. fol.* 136. And Note, That where it is ſaid in divers Places, The Tenant ceſſeth, without any more Words, that is to be underſtood, the Tenant ceaſeth to do what he might, or is bound to do by the Tenure of Land or Tenement.

Ceſſure, or **Ceſſer**, Is likewiſe taken to ſignify a Giving over, or giving of Place. *Weſt.* 2. *cap.* 41.

Ceſtui qui vie, Is in true French *Ceſtui a vie de qui*, that is, He for whoſe Life any Land or Tenement is granted. *Perkins.* Grants, 97.

Ceſtui qui uſe, (*Ille cujus uſui, vel ad cujus uſum,*) is broken *French*, and this may be better modelled (*Ceſtui a l'uſe de qui*) It is an ordinary Speech among Lawyers, ſignifying him to whoſe Uſe any other Man is infeoffed in any Lands or Tenements. See the New Book of Entries, *verbo* Uſes; and in Replevin, *f.* 508. *col.* 3. *verbo* Treſpaſs, *fol.* 606. & 123. *col.* 3. *num.* 7. And ſee 1 *R.* 3. *cap.* 1. and *Co. lib.* 1. 133. *An.* 12 *Car.* 2. *cap.* 30.

Ceſtui qui truſt, Is he who hath a *Truſt* in Lands or Tenements committed to him, for the Benefit of another. 12 *Car.* 2. *c.* 30.

Chace, the Way through which Cattle are drove to Paſture, commonly called in ſome Places a *Drove Way*, *Ut ſi quis omnino viam obſtruat vel* chaceam *per quam ingredi ſolet paſturæ.* Bracton, lib. 4. c. 44. It is alſo taken for a *Chaſe*, or Station of Game, more extended than a Park, and leſs than a Foreſt. *Chacea* is ſometime taken for the Liberty of *Chaſing*, or Hunting within ſuch a Diſtrict. *Boſcum in quo Abbates* Glaſtoniæ chaceam *ſuam cum canibus ſuis & procurſum ſuum cum porcis ſuis habebant*——Cartular. Abbat. Glaſton. MS.

MS. fol. 70. b. ——— *Donec amicabili compoſitione* chaſſiam *& communiam, quam dictus Abbas & Anteceſſores ſui in boſcis habuerant, quietum clamavit.* Ibid.

Chacare, *ad Lepores, vel Vulpes*; To hunt Hare or Fox.——*Liuet Abbati & ſuis* chaccare *ad lepores & vulpes, in manerio ſuo de* Donham. Cartular. Abbt. Glaſton. MS. f. 87.

Chacurus, A Horſe for the Chaſe, or a Hunter, unleſs poſſibly it rather ſignify a ſwift Dog, or fleet Hound. ——— Willielmus de Breoſa *dedit Regi octingentas marcas, tres dextrarios, quinque* chacuros, *quatuor cenſas, & decem leporarios, Anno* 7 *Joh.*——Tenures, pag. 134. ſee *Dextrarius.*

Chaffwax, Is an Officer in *Chancery*, that fitteth the Wax for the Sealing of the Writs, and ſuch other Inſtruments as are there made to be ſent out. This Officer is borrowed from the *French*, for there *calefactores ceræ ſunt qui Regiis litteris in cancellaria ceram imprimunt.* Coraſius.

Chafery, At the Iron-works, in every Forge or Hammer, there is two Fires; the one they call the *Finery*, the other the *Chafery*. At this *Chafery* they draw out the Anconies into finiſht Bars. It ſeems derived from the French *Chauſer*, to heat; whence to *chafe*, and our *Chafingdiſh*.

Chaffers, Seem to ſignify Wares, or Merchandiſe, 3 *E.* 4. 4. and we yet uſe *Chaffering* for Buying and Selling.

Chaldron, or *Caldern of Coals*, Contains thirty-ſix Buſhels of Coals, heaped up, and according to the ſealed Buſhel kept at *Guild-hall*, *London*, for that Purpoſe. 16, 17 *Car.* 2. *c.* 2. It is written *Chawdren*, 9 *H.* 5. 10. and in *Pat.* 10 *R.* 2. *pag.* 1. *m.* 13. *Chaldre.* It ſhould weigh Two thouſand Pound Weight.

Chalking. The Merchants of the Staple require to be eaſed of divers new Impoſitions, as *Chalking*, Ironage, Wharfage, *&c. Rot. Parl.* 50 *Ed.* 3.

Challenge, *Calumnia*, Cometh of the *French* Word *Chalenger*, that is, *Sibi aſſerere*; and in a legal Senſe ſignifies an Exception, taken either againſt Perſons or Things: Perſons, as in Aſſiſe to the Jurors, or any one or more of them; or in a Caſe of Felony, by a Priſoner at the Bar. *Smith, de Rep. Angl. lib.* 2. *cap.* 11. *Britton, ca.* 52. *Bacton, lib.* 2. *tract.* 2. *cap.* 22. Againſt Things, as a Declaration. *Old Nat. Brev. f.* 76. *Challenge* made to the Jurors, is either made to the *Array*, or to the *Polls*: *Challenge* to the *Array*, is when the whole Number is excepted againſt as partially empanelled; *Challenge* to or by the *Polls*, is when ſome one or more are excepted againſt, as not indifferent. *Termes de la Ley. Challenge* to the Jurors is alſo divided into *Challenge Principal*, and *Challenge pur cauſe*; that is, upon Cauſe or Reaſon. *Challenge Principal*, (otherwiſe by *Staundf. plac. Cor. fol.* 157, 158. called *Peremptory*,) is that which the Law allows without Cauſe alledged, or farther Examination, *Lamb. Eiren. lib.* 4. *cap.* 14. as a Priſoner at the Bar, arraigned upon Felony, may peremptorily *Challenge* to the Number of twenty, one after another, of the Jury empannelled upon him, alledging no Cauſe but his own Diſlike, and they ſhall be ſtill put off, and new taken in their Places. But in Caſe of High Treaſon, no *Challenge Peremptory* is allowed. 33 *H.* 8. 35. *Forteſcue* ſaith, That a Priſoner in this Caſe may *Challenge* thirty-five Men, *cap.* 27. but that Law was abridged by 25 *H.* 8. *c.* 3. And here obſerve, That there is ſome Difference between *Challenge Principal*, and *Challenge Peremptory*; *Peremptory* being uſed only in Matters Criminal, and alledged without other Cauſe than barely the Priſoner's Fancy. *Staundf. pl. cor. fol.* 124. But *Principal*, in Civil Actions for the moſt Part, and with aſſigning ſome ſuch Cauſe of Exception, as being found true, the Law alloweth, without farther Scanning: For Example, If either Party ſay, That one of the Jurors is the Son, Brother, Couſin, or Tenant to the other, or eſpouſed his Daughter; this Exception is good, and ſtrong enough, if it be true, without farther Examination of the Party's Credit: And how far this *Challenge* upon Kindred reacheth, you have a notable Example in *Plowden*, in the Caſe of *Vernon* againſt *Manors*, *fol.* 425. Alſo in the Plea of the Death of a Man, and in every Action real, as every Action Perſonal, where the Debt or Damages amount to 40 Marks, it is a good *Challenge* to any Man, that he cannot diſpend forty Shillings by the Year of Freehold. 11 *H.* 7. *c.* 21. The Ground of this *Challenge* you may ſee farther in *Fleta*, *lib.* 4. *cap.* 8. Challenge *upon Reaſon or Cauſe*, is when the Party doth alledge ſome ſuch Exception againſt one or more of the Jurors, as is not forthwith ſufficient upon Acknowledgment of the Truth thereof, but rather arbitrable and conſiderable by the reſt of the Jurors: As for Example, If the Son of a Juror have married or eſpouſed the Daughter of the adverſe Party. *Termes de la Ley, verbo Challenge.* This *Challenge pur cauſe*, ſeems by *Kitchin, fol.* 92. to be termed *Challenge for favor*; or rather, *Challenge for favor* is ſaid there to be one Species of *Challenge pur cauſe*, where you may read what *Challenges* be commonly only accounted *Principal*, and what not. See the New Book of Entries, *verbo Challenge*, and the *Old Nat. Brev. fol.* 158, 159. That this Word *Challenge* is turned into *Lat.* by the Word *Calumnia*, appeareth by *Bracton, lib.* 3. *tract.* 2. *cap.* 18. *& lib.* 4. *tract.* 3. *cap.* 6. *& lib.* 5. *cap.* 6. See farther *Fleta*, *lib.* 1. *cap.* 32. *Co.* on *Lit.* 156, 157, *&c.* and *Carangium.*

Chamberdekins, or *Chamberdakins*, Were *Iriſh* Beggars, which by the Statute of 1 *H.* 5. *cap.* 8. were by a certain Time, within the Statute limited, to avoid this Land. *Termes de la Ley, fol.* 114. Obſerve this Deſcription of them. *Anno* 1413. *Univerſitatem* Oxonienſem *vexabant flagitioſi quidam* Chamberdekyns *dicti, qui non alii erant, quam mendici quidam* Hiberni, *habitu Scholarium pauperculorum indati, ſub nullo autem præſide viventes. Iis ſolenne erat domi de die latitare, noctu vero circa oenopolia domoſque infames obvium quemque ſpoliare, vel etiam trucidare.* Antiq. Oxonienſis, lib. 1. p. 207.

Chamber depint. Under this Name in our Parliament Rolls is often mentioned, the Room which was anciently St. *Edward's Chamber*, and is now the Painted *Chamber.*

Chamberer, Is uſed for a *Chamber*-Maid. 33 *H.* 8. *cap.* 21.

Chamberlain, *Camerarius*, Cometh of the French *Chambellan*: that is, *Cubicularius vel Præfectus cubiculi.* It is diverſly uſed in our Chronicles, Laws and Statutes; as Ld. Great *Chamberlain* of *England*, Lord *Chamberlain* of the King's Houſe, the King's *Chamberlain*, (13 *E.* 1. *c.* 41. 17 *R.* 2. *c.* 16) To whoſe Office it eſpecially appertaineth to look to the King's Chambers and Wardrobe, and to go-

vern the Under-Servants belonging to the ſame. *Fleta, lib.* 2. *cap.* 6, 7. *Chamberlain* of any of the King's Courts. 7. *E.* 6. 1. *Chamberlain* of the *Exchequer.* 51 *H.* 3. *Stat.* 5. 10 *E.* 3. 11. 14 *E.* 3. 14. 26 *H.* 8. 2. *Chamberlain* of *North-Wales*; *Stow pag.* 641. *Chamberlain* of *Cheſter. Cromp. Jur. fol.* 7. *Chamberlain* of *London.* This Officer is commonly the Receiver of all Rents and Revenues belonging to that City whereto he is *Chamberlain. Vide Fleta, lib.* 2. *cap.* 70. To the *Chamberlain* of *Cheſter*, when there is no Prince of *Wales* and Earl of *Cheſter*, belongs the Receiving and Returning of all Writs, coming thither out of any of the King's Courts. The *Lat.* Word ſeemeth to expreſs the Function of this Officer; for *Camerarius dicitur a camera*, i. e. *Teſtudine ſive fornice, quia cuſtodit pecunias quæ in cameris præcipue reſervantur.* Onuphrius de interpret. voc. Eccleſ. It ſeemeth to be borrowed from the Feudiſts, who define the Word *Camera* thus: *Camera eſt locus in quem theſaurus colligitur, vel conclave in quo pecunia reſervatur*: Zaſius *de Feudis. par.* 4. *num.* 7. And *Peregrinus de jure Fiſci, lib.* 6. Tit. 3. ſaith, That *Camerarius, vel* Chamberlingus (*quem Quæſtorem antiqui appellarunt*) *in rebus fiſci primum locum tenet, quia Theſaurarius & cuſtos eſt publicæ pecuniæ.* There be two Officers of this Name in the King's *Exchequer*, who were wont to keep a Controulment of the *Pells of Receit*, and *Exits*, and certain Keys of the Treaſury and Records: They kept alſo the Keys of that Treaſury, where the Leagues of the King's Predeceſſors, and divers ancient Books, as *Domeſday*, *Black-Book* of the *Exchequer*, remain. There is Mention of this Officer in the Stat. 34 & 35 H. 8. *cap.* 16. There be alſo *Under-Chamberlains* of the *Exchequer*, for which ſee in *Under-Chamberlain.*

Chamberlaria, *Chamberlangeria*, Chamberlainſhip, or Office of *Chamberlain.*——*Commiſimus Civi noſtro* Willielmo Joyner *Chamberlariam noſtram* London. Pat. 7 H. 3. Brady Hiſt. Angl. Append. pag. 168. ——Jerem. del Ho & Radulphus de Coggeſhale, *tenent feodum* del Ho *in* Rivandule *per ſervitium* Chamberlangeriæ, *in Com.* Devon. *Anno xi H.* 3. Tenures, p. 48.

Chambers of the King, (*Regiæ Cameræ*,) the Havens or Ports of the Kingdom, ſo called in our Records. V. *Mare Clauſum, fol.* 242.

Champerty, (*Cambi-partia*) al' *Champerti*, Seemeth to come from the French *Champert*, *Vectigal*; and ſignifieth in our Common Law a Maintenance of any Man in his Suit depending, upon Condition to have Part of the Things (be it Lands or Goods) when it is recovered. *F. N. B. fol.* 171. This ſeems to have been an ancient Grievance in our Realm; for notwithſtanding the Statutes of 3 *E.* 1. 25. 13 *E.* 1. 49. 28 *E.* 1. 11. 32 *E.* 1. Stat. 2 & 3. and 1 *R.* 2. *cap.* 4. and a Form of a Writ framed unto them; yet *Anno* 4 *E.* 3. 11. it was again enacted, That whereas the former Statute provided Redreſs for this in the King's Bench only, (which at the Time followed the Court) from thenceforth it ſhould be lawful for the Juſtices of the Common Pleas likewiſe, and Juſtices of Aſſiſes, in their Circuits, to enquire, hear and determine this, and ſuch like Caſes, as well at the Suit of the King, as of the Party. How far this Writ extendeth, and the divers Forms thereof applied to ſeveral Caſes, ſee in *F. N. B. f.* 171. *Reg. Orig. f.* 183. and the New Book of Entries, *verbo Champerty.* Every *Champerty* implieth Maintenance. *Cromp. Jur. fol.* 39. See alſo *Cromp.* Juſtice of Peace, *fol.* 155. 2. *par. Inſt. fol.* 208. But every Maintenance is not *Champerty*, for *Champerty* is but a *Species* of Maintenance, which is the *Genus.* The Word *Champerty* ſeems very ſignificantly to derive it ſelf from *Campus*, a Field, and *Partitio*, a Dividing; becauſe the Parties in *Champerty* agree to divide the Thing in diſpute.

Champertors, *Vel campi Participes, ſunt qui per ſe, vel per alios placita movent, vel moveri faciunt, & ea ſuis ſumptibus proſequuntur ad campi partem, vel pro parte lucri habenda.* 33 E. 1. Stat. 2. Artic. ſuper Chart. cap. 11. Alſo it was ordained by the Stat. 33 *H.* 1. confirmed by 37 *H.* 8. 7. The Juſtices of Peace, at their Quarter-Seſſions, ſhould have Authority as well by Oaths of twelve Men, as by the Information of any other Perſon, to enquire of the Offendors and Offences againſt the Laws and Statutes made and provided touching *Champerty*, *Maintenance*, &c. *Termes de la Ley, fol.* 114, 115.

Champion, (*Campio*) is taken not only for him that fights the Combat in his own Caſe, but for him alſo that does it in the Place or Quarrel of another. *Bracton, lib.* 3. *tract.* 2. *c.* 21. *numb.* 24. who alſo ſeems to uſe this Word for ſuch as held of another by ſome Services; as, *Campiones faciunt Homagium Domino ſuo, lib.* 2. *cap.* 35. *Hottoman, de verbis feudalibus*, defines it thus, *Campio eſt Certator pro alio datus in duello, a* Campo *dictus, qui circus erat decertantibus definitus.* And therefore it is called *Camfight.* See *Combat*, and Sir *Edward Byſſhe*'s Notes upon *Upton*, where *fol.* 36, you will find, that *Henricus de Fernbureg*, for 30 Marks Fee, did by a Charter under the Seal covenant to be *Champion* for *Roger*, Abbot of *Glaſtonbury. Anno* 42 *H.* 3. See 3 *Inſt. f.* 221.

And here it may not be improper to mention a few Things concerning *Champions*, which I find in our Law Books and Hiſtories, *viz.* they were uſually hired, and therefore they were accounted infamous Perſons. *Bracton, Lib.* 3. *c.* 18.

Nunc caput in mortem vendunt, & funus arenæ.

Monks, Eccleſiaſticks, and generally any Perſon might hire them, except Parricides, and thoſe who were accuſed of very great Offences; but Churchmen were firſt to have Leave of the Biſhop.

Before the *Champion* came into the Field, he was to ſhave his Head, and make Oath that he believed the Perſon who hired him was in the Right, and that he would defend the Cauſe to the utmoſt of his Power; which was always done on Foot, and with no other Weapon but with a Stick or Club, and a Shield. And before he engaged with his Adverſary he always made an Offering to the Church, that God might aſſiſt him in the Battle.

The Puniſhment of a *Champion* overcome in Battle, and likewiſe of the Perſon for whom he fought, was various: If it was the *Champion* of a Woman, ſhe was burnt, and the *Champion* hanged: If it was of a Man, and not for a capital Crime, he not only made Satisfaction, but had his Right Hand cut off; and the Man was to be cloſe confined in Priſon till the Battle was over.

Champion of the King, (*Campio Regis*), whoſe Office is at the Coronation of our Kings to ride into *Weſtminſter-hall*, armed *Cap-a-pe*, when the King is at Dinner there, and throw down his Gauntlet by Way of Challenge, pronounced by a Herald, That if any Man ſhall deny or gain-

ſay the King's Title to the Crown, he is there ready to defend it in ſingle Combat, &c. Which being done, the King drinks to him, and ſends him a gilt Cup, with a Cover, full of Wine, which the *Champion* drinks, and hath the Cup for his Fee.

This Office (ever ſince the Coronation of King *Richard* the Second, when *Balwin Frevile* exhibited his Petition for it) was adjudged from him to Sir *John Dymocke*, his Competitor, (both claiming from *Marmion*), as producing better Records and Evidence; and hath continued ever ſince in the worthy Family of *Dymocke*, who hold the Manor of *Scrivelsbury* in *Lincolnſhire*, Hereditary from the *Marmions*, by Grand Serjeanty, *viz.* That the Lord thereof ſhall be the King's *Champion*, as aboveſaid. *Camd. in part. Fin. Mich.* 1 *H.* 6. Accordingly Sir *Edward Dymocke* performed this Office at the Coronation of his Majeſty King *Charles* the Second, 23 *April* 1661.

Chancellor, *Cancellarius*, Cometh of the French *Chancelier*. Vincent Lupanus *de Magiſtratibus* Franeorum, ſaith, That *Cancellarius* is no *Latin* Word, though he eiteth *Lat.* Writers that uſe it: With him agreeth *Petrus Pithæus*. lib. 2. *Adverſariorum*, cap. 12. And whereas *Lupanus* would derive it from the Verb *Cancello*, *Pithæus* thinks he hath ſome (though not ſufficient) Colour for his Opinion; and therefore derives it from *Cancelli*, an incloſed or ſeparated Place, a Chancel; or Place encompaſſed with Bars, to defend the Judges and other Officers from the Preſs of the People. *Cancellarius* at firſt, as *Lupanus* thinks, ſignified the Regiſters in Court; *Grapharios*, *ſcil. qui conſcribendis & excipiendis judicum actis dant operam*. But this Officer in late Times is greatly advaneed, not only in our, but in other Kingdoms; for he is the chief Adminiſtrator of Juſtice, next to the Sovereign. All other Juſtiees in this Kingdom are tied to the Law, but the *Chancellor* hath the King's abſolute Power to moderate the written Law, governing his Judgment by the Law of Nature and Conſcience, and ordering all Things *juxta æquum & bonum*. Wherefore *Staundford* (in his *Prærog. c.* 20. *fol.* 65.) ſays, The *Chancellor* hath two Powers; one abſolute, the other ordinary; meaning, that though by his ordinary Power, in ſome Caſes, he muſt obſerve the Form of Proceeding as other inferior Judges, yet in his abſolute Power he is not limited by the written Law but by Conſcience and Equity, aceording to the Circumſtances of Matter. And though *Polydore Virgil*, an Alien, undertaking to write the Hiſtory of *England*, ſuppoſed he did not miſtake when he makes our *William* the Conqueror, the Founder of our *Chancellors*; yet our induſtrious Antiquary, Mr. *Dugdale*, can ſhew us his Error in the many *Chancellors* of *England* long before that Time, which are mentioned in his *Origines Juridiciales*, and Catalogue of *Chancellors*, whoſe great Authorities under their Kings were, in all Probability, drawn from the reaſonable Cuſtoms of Neighbour Nations, and the Civil Law.

He that bears this Magiſtracy is called *The Lord Chancellor of England*, (which is the higheſt Honour of the Long Robe,) being made ſo *Per traditionem magni Sigilli ſibi per Dominum Regem*, and by taking his Oath. And by the Statute 5 *El. c.* 18. the *Lord Chancellor* and *Keeper* have one and the ſame Power; and therefore ſince that Statute, there cannot be a *Lord Chancellor* and *Lord Keeper* at one and the ſame Time; but before there might, and hath been. Yet ſee *Keeper*. See *Fleta*, *lib.* 2. *cap.* 12, 13. and *Coke's* 4 *Inſtit. fol.* 78, 79. Divers inferior Officers are alſo called *Chancellors*; as,

Chancellor in Cathedral Churches. His Office is thus deſcribed in the *Monaſticon*, 3 *Tom. pag.* 24. in the Statutes of *Litchfield*, *viz.* whether he is reſident, or not, his Duty is *Lectiones legendas in Eccleſia per ſe vel per ſuum vicarium auſcultare, male legentes emendare, ſcholas conferre, ſigilla ad cauſas conferre, literas capituli facere & conſignare, libros ſervare, quotieſcunque voluerit prædicationes in Eccleſia vel extra Eccleſiam prædicare, & cui voluerit prædicationis officium aſſignare*. Ibid. p. 339.

Chancellor of the Dutchy of Lancaſter, (*Anno* 3 *Ed.* 6. *cap.* 1. and *Anno* 5 *ejuſdem*, *c.* 26.) whoſe Office is principally in that Court, to judge and determine all Controverſies between the King and his Tenants of the Dutchy Land, and otherwiſe to direct all the King's Affairs belonging to that Court.

Chancellor of the Exchequer. (*An.* 25 *H.* 8. *c.* 16.) whoſe Office hath been thought by many to have been created for the qualifying Extremities in the *Exchequer*: He ſits in the Court, and in the *Exchequer-Chamber*; and, with the reſt of the Court, orders Things to the King's beſt Benefit. He is always in Commiſſion with the Lord Treaſurer for letting the Lands that eame to the Crown by the Diſſolution of Abbies, or otherwiſe; and hath, by the Stat. of 33 *H.* 8. *c.* 39. Power with others to compound for the Forfeitures upon Penal Statutes, Bonds, and Recognizances, entered into to the King; he hath alſo a great Authority and Juriſdiction in the Manage and Diſpoſe of the Royal Revenue, and concerning the Firſt-Fruits, as appears by the Acts for uniting them to the Crown.

Chancellor of the Order of the Garter. Stow's Annals, p. 706. Chancellor *of the Univerſities. an.* 9 *H.* 5. *c.* 8. and *Anno* 2 *H.* 6. *c.* 8. Chancellor *of the Court of Augmentations.* 27 *H.* 8. *c.* 27.——32 *ejuſdem*, *c.* 20. & 33 *ejuſdem*, *c.* 39. Chancellor *of the Firſt-Fruits.* 32 *H.* 8. *c.* 45. Chancellor *of Courts.* 32 *H.* 8. *c.* 28. Chancellor *of the Dioceſe*, 32 *H.* 8. *c.* 15, &c. anciently called *Epiſcopi Ecdicus*.

Chance-medley, Signifies the caſual Killing of a Man, not altogether without the Killer's Fault, though without an evil Intent. *Staundf. pl. cor. lib.* 1. *cap.* 8. calls it *Homicide by Miſadventure*, *Weſt. Symb. par.* 2. Tit. *Indictments*, *ſect.* 5. calls it *Homicide mixt.* It is alſo called *Manſlaughter by Miſadventure*, for which the Offender ſhall have his Pardon of Courſe as appears by the Statute of 6 *E.* 1. 9. But here is to be conſidered whether he that commits this Manſlaughter by *Chance-medley*, was doing a lawful Thing: For if the Act were unlawful, it is Felony. As if two were fighting together, and a third Man comes to part them, and is killed by one of the two without any Malice fore-thought, or evil Intent in him that killed the Man; yet this is Murder in him, and not Manſlaughter by *Chance-medley*, or Miſadventure; becauſe they two that fought together were doing an unlawful Act: And if they were met with prepenſed Malice, the one intending to kill the other, then it is Murder in them both. See *Skene*, *de verb. ſignif. verb.* Melletum, where he ſays this in *Scotland* is called *Chaudmeille*.

Chancery, *Cancellaria*, Is a Court of Equity and Conſcience, moderating the Rigour of other Courts, that are ſtrictly tied to the Letter of the Law, whereof the Lord Chancellor of *England*, is the Chief Judge. *Cromp. Jur. fol.* 41. Or elſe the Lord Keeper of the Great Seal. 4 *Eliz. cap.* 18. The Officers belonging to this Court, are the Lord Chancellor, or Keeper of the Great Seal, who is ſole Judge here; the Maſter of the Rolls, (anciently called *Gardein des Rolls*,) who in the Lord Chancellor's Abſence heareth Cauſes, and gives Orders. 4 *Inſt. f.* 97. Twelve Maſters of the *Chancery*, who are Aſſiſtants, and ſit by Turns on the Bench; the ſix Clerks, who have each of them about fifteen Clerks under them, in Nature of Attornies in the Court; two Chief Examiners, who have five or ſix Clerks a-piece; one Chief Regiſter, who hath uſually four or five Deputies; the Clerk of the Crown; the Warden of the *Fleet*, the Uſher, Serjeant at Arms, and Crier of the Court; the Curſitors and their Clerks; the Clerks of the Petty-Bag; the Clerk of the Hanaper; the Controller of the Hanaper; the Clerk of Appeals; the Clerk of the Faculties; the Sealer, the Chaſe-Wax; the Clerk of the Patents, Clerk of Preſentations, Clerk of Diſmiſſions, Clerk of Licences to alienate, Clerks of the Enrolments, Clerks of the Protections, Clerks of the *Subpœna's*, Clerks of the *Affidavits*, &c. Which ſee deſcribed in their ſeveral Places. See *Coke's* 4 *Inſt. fol.* 82.

Changer, Is an Officer belonging to the King's Mint, mentioned in the Statute of 2 *H.* 6. *cap.* 12. where it is alſo written after the old way *Changour*, whoſe Buſineſs was chiefly to exchange Coin for Bullion, brought in by Merchants, or others.

Chantry. See *Chauntry.*

Chapel, *Capella*, Cometh from the French *Chapelle*, that is, *Ædicula*; and is of two Sorts, either adjoining to a Church, as a Parcel of the ſame, which Men of Quality build, *ut ibidem Familiaria Sepulchra ſibi conſtituant*; or elſe ſeparate from the Mother-Church, where the Pariſh is wide, and commonly called *A Chapel of Eaſe*, becauſe it is built for the Eaſe of one or more Pariſhioners that dwell too far from the Church, and ſerved by ſome inferior Curate, provided at the Charge of the Rector, or of them that have Benefit by it, as the Compoſition or Cuſtom is. Whence the Word is derived, the *Canoniſts* differ in Opinion, neither will we trouble our ſelves about it, ſince it makes not much to our Purpoſe. There is a *Free Chapel*, which ſeemeth to be ſuch as hath Maintenance perpetual, towards the Upholding thereof, and Wages of the Curate, by ſome Lands charitably beſtowed on it, without the Charge of the Rector, or Pariſh. 37 *H.* 8. *cap.* 4 *An.* 1. *E.* 6. *c.* 14.

Chaplain or Chaplain, *Capellanus*, Is he that performeth Divine Service in a *Chapel*; and therefore in the Common Law, it is uſed moſt ordinarily for him that is depending upon the King, or other Man of Worth, for the Inſtructing him and his Family, to pray and preach in his private Houſe, where commonly they have a *Chapel* for that Purpoſe. See 21 *H.* 8. 13. where it is ſet down what Perſons may privilege one or more *Chaplains*, to diſcontinue from their Benefices for their peculiar Service.

Chapelry (*Capellania*) is the ſame Thing to a *Chapel*, as a Pariſh to a Church, *i. e.* the Precinct and Limits of it. Mentioned in the Stat. 14 *Car. c.* 9.——Capellania *Sancti Oſwaldi*, *Mich.* 32 *E.* 1. *Coram Reg.* Glouc.

Chaperon, (Fr. in Lat. *Humerale* and *Caputium*,) mention'd in the Stat. 1 *R.* 2. is the Hood anciently worn by the Knights of the *Garter*, being Part of the Habit of that Noble Order. Alſo the little Eſcutcheon fixed in the Forehead of the Horſes that draw the Herſe at a Funeral.

Chapters, *Capitula*, cometh of the French *Chapitre*, i. e. *caput libri*: It ſignifies in our Common Law a Summary, or Content of ſuch Matters as are to be enquired of, or preſented before Juſtices in *Eyre*, Juſtices of *Aſſiſe*, or of *Peace*, in their Seſſions: So it is uſed *Anno* 3 *E.* 1. *cap.* 27. in theſe Words. And that no Clerk or any Juſtice, Eſcheator, or Commiſſioners in Eyre, ſhall take any Thing for delivering Chapiters, but only Clerks of Juſtices in their Circuits. And again *Anno* 13 *E.* 1. *cap.* 10. in theſe Words, And when the Time cometh the Sheriff ſhall certify the Chapiters before the Juſtices in Eyre, how many Writs he hath, and what, &c. *Britton* alſo uſeth the Word in the ſame Senſe, *cap.* 3. *Chapters*, or *Capitula*, be now called *Articles* moſt ordinarily, and are delivered as well by the Mouth of the Juſtice in his Charge, as by the Clerks in writing to the Inqueſt; whereas in antient Times, as appeareth by *Bratton*, and *Britton*, they were, after an Exhortation given by the Juſtices for the good Obſervation of the Laws, and the King's Peace, firſt read diſtinctly and openly in the whole Court, and then delivered in Writing to the Grand Inqueſt; which the Grand Jury or Inqueſt were likewiſe to anſwer upon their Oaths affirmatively and negatively, and, not as they do now, put the Judges to make long and learned *Charges* to little or no Purpoſe, who not remembring the Tranſgreſſors, againſt the Deſign of thoſe *Articles*, do think their Oaths and Duty to God and the King, and their Country, well enough performed, if they only preſent thoſe few, of many more, Miſdemeanors, which are brought unto them by Way of Indictment. The ſame *Order of Articles*, *Lambard* wiſhes might ſtill be obſerved. *Eiren. lib.* 4. *cap.* 4. *pag.* 393. *Horne* in his Mirrour of Juſtices calleth them *Articles*, and expreſſeth what they were wont to contain, *lib.* 3. *cap. de Articles in Eyre.* An Example of theſe *Chapiters* or *Articles*, you have in the Book of *Aſſiſes*, *fol.* 138. *num.* 44. As alſo in *Roger Hoveden*, *parte poſter. ſucr. Annal. in Richardo Primo*, *fol.* 423.

Chaplain. See *Chapellain.*

Chapter, *Capitulum*, Signifieth in our Common Law (as in the Canon Law, whence it was borrowed,) *Congregationem clericorum in Eccleſia Cathedrali, conventuali, regulari vel collegiata*; and in another Senſe, *Locum in quo fiunt communes tractatus collegiatorum.* It hath other Significations, though not worth the Repeating in this Place, which you may read in *Lyndewode's Provincialis Gloſſ. in ca. Quia incontinentiæ, de conſtitutionibus verb.* Capitulum. Such a Collegiate Company is metaphorically termed *Capitulum*, that is, a little Head, for ſuch a Corporation is a Kind of Head, not only to rule, and govern the Dioceſe in the Vacation of a Biſhoprick, but alſo in many Things to adviſe the Biſhop, when the See is full, *Panormitan. in cap.* Capitulum *extra de Reſcriptis. Ad Dedicationes, ad Synodos, ad* Capitula *venientibus ſit ſumma Pax.* LL. Edwardi Confeſſ. cap. 3.

Charea, A Charr, Carr, or Cart. ——— *Conceſſum eſt ut prædicti Abbas & Conv. tradant* Johanni & Agneti *uxori ſuæ, ac hæredibus ſuis tres* chareas *clauſturæ de ſubboſco ſuo annuatim per liberationem Ballivi vel Præpoſiti* ——— *Itaque nec præfatus* Johannes & Agnes *uxor in præd. boſcum cum carris ſuis de cætero aliquem ingreſſum habeant, nec eſtoverium boſchiæ niſi tantum tres* chareas *annuatim, ut prædictum eſt.* Cartular. Abbat. Glaſton. MS. f. 91. a.

Charge. See *Chapiter.*

Charks. Wood when charr'd is properly Char-coal; the Pit-coal, when ſo charred or charked in *Worceſterſhire* is called *Charks*, as the Sea-coal ſo prepared about *New Caſtle*, is called *Coke.*

Charolare, *i. e.* To dance; *Cogens quamplurimos viros & mulieres Anglicos mixtim* Charolare *nudos & pſallere ante ſe.* See *Mat. Weſtm. Anno* 1305.

Charre of Lead, A *Charre of Lead* conſiſts of thirty Pigs, each Pig containing ſix Stone wanting two Pounds, and every Stone being twelve Pounds. *La* Charre *de plumbo conſtat ex* 30 ſotinellis *& qualibet* ſotinella *continet* 6 Petras, *exceptis duabus libris, & qualibet* Petra *conſtat ex* 12 *libris.* Aſſiſa de ponderibus Rob. 3. R. Scot. cap. 22. ſect. 2.

Charta, The Word was taken not only for a Charter or Deed in Writing, but any Signal or Token by which an Eſtate was held. As——— Willielmus *filius* Nigelli *tenuit cuſtodiam foreſtæ de* Bernwode, *de Domino Rege per unum cornu quod eſt* charta *prædictæ foreſtæ.* Paroch. Antiq. p. 73.

Charta Magna contains ſeveral Privileges and Liberties which were granted to the Church and State by *Edward* the Confeſſor, and ſome which were granted by *Henry* I. but thoſe were only relating to the feudal Laws which were impoſed on the People by *William* I. ſo that nothing new was added by him.

King *Stephen* and King *Henry* II. confirmed the *Magna Charta* of *Henry* I. and *Richard* I. took an Oath at his Coronation to aboliſh all evil Cuſtoms, and to obſerve all juſt Laws; which was an implicite Confirmation of the *Charter* it ſelf.

King *John* took the like Oath: But a Difference ariſing between him and Pope *Innocent* III. concerning the Election of an Archbiſhop of *Canterbury*, he was for the moſt Part of his Reign embroiled in Wars both at Home and Abroad; 'till at length at *Roningmede* (a Place between *Windſor* and *Stanes*) he confirmed the *Charter*; and ſoon after broke it; and thereupon the Barons took up Arms again; ſo that his Reign ended in Wars, and *Henry* III. an Infant, ſucceeded; in whoſe Reign it was ſeveral Times confirmed, and as often abrogated, even after the moſt ſolemn Engagement to obſerve it. As for Inſtance: In the 37th Year of his Reign he came to *Weſtminſter-Hall*, and (there in the Preſence of the Nobility, and of the Archbiſhop and Biſhops in their Pontifical Habits, with lighted Candles in their Hands) the *Charter* was read, the King all that while laying his Hand on his Breaſt; and when it was read, the Biſhops extinguiſhed the Candles, and threw them on the Ground; and every one ſaid, *Thus let him be extinguiſhed, and ſtink in Hell, who violates this* Charter. Then the Bells rung, as a Sign that every one rejoiced, and approved what was done. And the King himſelf ſaid, *So help me God; I will faithfully and inviolably obſerve all theſe Things, as I am a Man, a Chriſtian, a Soldier, and a King.* And yet the next Year he invaded the Rights of the People. And at length the Barons took up Arms, and beat his Army at the Battle of *Lewes* in *Suſſex*, and took him and his Son, *Edward* I. Priſoners. But the Prince eſcaping, he beat the Barons in a Battle at *Eveſham*, and reſtored his Father to his Royal Dignity. And then the King, though Conqueror, confirmed this *Charter*, and the *Charter* of the Foreſt, in the Parliament of *Marlbridge*, in the 52d Year of his Reign, and died afterwards in Peace. And his Son *Edward* I. not only confirmed theſe *Charters*, but in the 25th Year of his Reign he made an Explanation of the Liberties and Privileges therein granted to the People; and added ſome which were new, and are called *Articuli ſuper Chartas.* And thus *Magna Charta* was then confirmed, and more than thirty Times ſince. See *Magna Charta.*

Charta Pardonationis Se defendendo, Is the Form of Pardon, for ſlaying another Man in his own Defence. *Reg. Orig. fol.* 287.

Charta Pardonationis Utlagariæ, Is the Form of a Pardon for a Man that is Outlawed. *Reg. Orig. fol.* 288, 388.

Charte, *Charta*, Paper, Parchment, or any Thing to write on; alſo a Card which Mariners uſe at Sea, mentioned 14 *Car.* 2. *cap.* 33. See *Charter.*

Chartel, A Letter of Defiance, or Challenge to a Duel, in Uſe heretofore, when Combats were in Practice, to decide difficult, and not otherwiſe to be determined, Controverſies in Law.

Charter, *Charta*, French *Chartre*, that is, *Inſtrumenta:* It is taken in our Law for written Evidence of Things done between Man and Man; whereof *Bracton*, *lib.* 2. *cap.* 16. *num.* 1. ſaith thus, *Fiunt aliquando donationes in ſcriptis, ſeu* chartis, *ad perpetuam rei memoriam propter brevem hominum vitam, &c.* And a little after, *num.* 12. *Et ſciendum quod* chartarum, *alia Regia, alia privatorum, & regiarum alia privata, alia communis & alia univerſalis. Item privatorum alia de Feoffamento puro & ſimplici, alia de Feoffamento conditionali, & ſecundum omnia genera Feoffamentorum fieri poteſt. Item, privatorem alia de recognitione pura vel conditionalis. Item alia de quiete-clamantia; Item alia de confirmatione, &c.* and ſo through the whole Chapter. *Britton* likewiſe in his Thirty-ninth Chapter, divideth *Charters* into the *Charters* of the King, and *Charters* of private Perſons: *Charters* of the King, are thoſe whereby the King paſſeth any Grant to any Perſon or more, or to any Body Politick, as a *Charter* of Exception, that a Man ſhall not be empanelled upon any Jury. *Kitchin, fol.* 114, & *fol.* 177.

Charterer, So in *Cheſhire* they call a Freeholder. *Ex pet. Leg. Antiq. p.* 356.

Charter of Pardon, Whereby a Man is forgiven a Felony, or other Offence committed againſt the King's Crown and Dignity. *Bro.* Tit. *Charter of Pardon.*

Charter of Foreſt, wherein the Laws of the Foreſt are compriſed, *Anno* 9 H. 3. *Cromp. Jur. fol.* 147. *Pupilla oculi*, par. 5. cap. 22. *Manwood*, par. 1. of his Foreſt Laws, *fol.* 1. where he ſetteth down the *Charter* of *Canutus*, and *fol.* 11. where he ſets down that which was made 9 H. 3. with the *Charter of the Foreſt* which we uſe. *Skene* ſaith, That the Laws of the Foreſt in *Scotland* do agree, *de verb. ſignif. verbo* Veniſon. *Char-*

ter of Land. Brooke, eodem titulo. That which we call a *Charter*, the *Lombards, in libris Feudalibus*, call *Præceptum, Præceptionem. Hottoman, verbo Præceptum in verbo feudalibus.* Of these *Charters* you have also a long Discourse in *Fleta, lib.* 3. *cap.* 14. who expoundeth every substantial Part of a Deed of Gift particularly in Order. See *Magna Charta.*

Charter-Land, *Terra per Chartam*, Is such as a Man holdeth by Charter; that is, by Evidence in Writing, otherwise called *Freehold, Anno* 19 *H.* 7. *cap.* 13. and *Kitchin, fol.* 86. And these in the *Saxons* Time were called *Bockland* which *Lamb.* in his Explication of *Saxon* Words, *verb. Terra ex scripto*, saith, was held with more commodious and easy Conditions than *Folkland* was; that is, Land held without Writing; and the Reason is, because that was *Hæreditaria, libera atque immunis*, whereas *fundus sine scripto censum pensitabat annuum atque Officiorum quadam servitute est obligatus; priorem viri plerunque nobiles atque ingenui, posteriorem rustici fere & pagani possidebant.* ——— *Illam nos vulgo* Freehold *& per* chartam *hanc ad voluntatem Domini appellemus.* Thus far Mr. *Lambard.*

Charter-party, *Charta partita*, a Deed or Writing divided, is only a Pair of Indentures among Merchants and seafaring Men, containing the Covenants and Agreements made between them touching their Merchandize and maritime Affairs. 32 *H.* 8. 14. 12 *Car.* 2. *c.* 18. *Latches Rep. f.* 225. *Ballo*'s Case, and 2 *Inst.* 637.

Cartis reddendis, Is a Writ which lies against him that hath Charters of Feoffment, delivered him to be kept, and refuseth to deliver them. *Old Nat. Brev. fol.* 66. *Orig. fol.* 159.

Chase, *Chacea*, Cometh of the *French* Word *Chasser*, that is, *Sectari Belluas:* It signifies in the Common Law two Things, First, As much as *Actus* in the Civil Law, that is, a Driving of Cattle to or from any Place, as to *chase* a Distress to a Fortlet. *Old Nat. Brev. fol.* 45. Secondly, It is used for a Place of Receipt for Deer, and wild Beasts, of a middle Nature, between a Forest and a Park, being commonly less than a Forest, and not having so many Liberties; as the Courts of *Attachment, Swainemote*, and *Justice-seat*; and yet of a larger Compass, and stored with greater Diversity both of Keepers and wild Beasts or Game than a Park. And *Cropmton* in his *Jurisdictions, f.* 148. saith, That a Forest cannot be in the Hands of a Subject, but it forthwith loseth the Name, and becometh a *Chase*; yet *fol.* 197. he saith, That a Subject may be Lord and Owner of a Forest, which, though it seems a Contrariety, yet are both his Sayings in some sort true; for a King may give or alienate a Forest to a Subject, yet so, as when it is once in a Subject, it loseth the true Property of a Forest, because that the Courts, called a *Justice-seat*, the *Swainemote*, and *Attachment* forthwith do vanish; none being able to make a Lord Chief Justice in *Eyre* of the Forest but the King, as *Manwood* well sheweth in his *Forest Laws, ca.* 3 & 4. and yet it may be granted in so large a Manner, that there may be *Attachment* and *Swainemote*, and a Court equivalent to a *Justice-seat*, as appeareth by him in the same Chapter, *num.* 3. So that a *Chase* differeth from a Forest in this, because it may be in the Hands of a Subject, which a Forest in its proper and true Nature cannot; and from a Park, in that it is not inclosed, and hath not only a larger Compass, and more Store of Game, but of Keepers also and Officers. See *Forest.*

Chastellaine a Noble-woman; *quasi* castelli *Domina.*

Chatels. See *Catals.*

Chaumpert,——*Et quod tam præd. viginti virgatæ terræ, quam terræ unde dicta quatervigiti quarteria frumenti annua proveniunt de nobis in capite per servitium vocatum* Chaumpert. *Vid. undecimæ garbæ nobis per manus tenentium terrarum earundem annuatim solvendæ tenentur.* Pat. 35 Ed. III. Pat. 2. m. 18. Hospital. *de* Bowes *infra insulam de* Guernesey.

Chaunce-medley. See *Chance-medley.*

Chaunderia.———*Et si cervisiam putidam brasiabit, amittere debet* Chaunderium *& brasii valorem ad voluntatem Ballivorum.* MS. de legibus liberi Burgi villæ de *Montgomery.*———

Chaunter, *Cantator*, A Singer in the Quire. 13 *Eliz. c.* 10. At St. *David*'s in *Pembrokeshire*, the *Chaunter* is next the Bishop, for there is no Dean. *Camb. Britan.*

Chauntry, (*Cantaria,*) *Ædes sacra; ideo instituta & dotata prædiis, ut Missa ibidem* Cantaretur *pro anima fundatoris & propinquorum ejus.* These were usually little Chapels, or particular Altars, in some Cathedral or Parochial Church, and endowed with Lands, or other Revenue, for the Maintenance of one or more Priests, to officiate as aboveSaid. Mentioned 37 *H.* 1. *cap.* 4. ——1 *Ed.* 6. *cap.* 14. and 15 *Car.* 2. *cap.* 9. Of these *Chauntries* there were forty-seven belonging to St. *Paul*'s Church in *London*; for which see Mr. *Dugdale*'s History of that Church. *Sciatis* —— *quod ego Reginaldus Suard dedi* —— *Willielmo Crumpe Capellano* Cantariæ *beatæ Mariæ de Yarpol unam parcellam pasturæ, &c. Dat. apud Leominstre die Martis prox. post Festum Sancti Hillarii, Anno* 7 *H.* 6.

Chauntry-Rents, (22 *Car.* 2. *cap.* 6.) are Rents paid to the Crown by the Servants or Purchasers of *Chauntry-Lands.*

Chaus, Manchet, white Bread.——*Concesserunt mihi singulis diebus vitæ meæ unum simenellum de* Chaus, *& unum surum michum & unum galonem de cerevisia conventus, & alium de cervisia mixta.* Cartular. Rading. MS. f. 103.

Chawdzen of Sea-coals. 9 *H.* 5. 10. See *Chaldron.*

Check-Roll is a *Roll* or Book containing the Names of such as are Attendants and in Pay to the King, or other great Persons, as their Household Servants. *Anno* 19 *Car.* 2. *c.* 1. It is otherwise called the *Chequer-Roll, an.* 24 *H.* 8. *c.* 13. *an.* 3 *H.* 7. *c.* 13. and seems to be a Word abstracted or derived from the *Exchequer*; which see. *Clerk of the Check*, see in *Clerk.*

Checkerelli Panni, Cloth chequered, or variegated in the Weaving. ——— *Henricus Prior & Conv. Eccle. Christi Cant. constituunt Raymundum Filium Raynoldi Procuratorem & Mercatorem suum ad emendum singulis annis ducentos pannos quos Erisones vocant, unde triginta erunt* Chekerelli, *& alii plani; & quilibet pannus continebit in longitudine quatuor ulnas, & in latitudine ulnam unam & dimidium ad minus.*—dat. 13. Rul. Sept. 1313. Ex Regist. Eccl. Christi Cantuar. MS.

Chelindra, a Sort of Ship. *Obligavit se imperator ad* 100 Chelindras *&* 50 *Galeias ducendas ultra mare.* Mat. Paris. Anno 1238.

Chelmsford. See *Canonium.*

Chemin. See *Chimen.*

Chence. See *Amabyr.*

Chen-

Chenſers, Mentioned 27 *H.* 8. *c.* 7. are ſuch as pay Tribute or *Cenſe*, Chief-Rent or Quit-Rent, for ſo the French *Cenſier* ſignifies.

Cheorles Herding, the Curtilage of a Countryman or Clown.

Cherches, a Sort of Tribute.

Cherlet. See *Churcheſſet.*

Cherſetum, Any cuſtomary Oblation paid (at firſt perhaps in lieu of Church-ſeed or Corn) to the Pariſh Prieſt or Appropriators.——*Inter ſervitia conſuetudinaria Tenentium in Blebury de Dominio Abbatis & Conv.* Rading.——*Et ſolebant dare* Cherſetum *ſcil. tres gallinas & unum gallam.*——*Cartular.* Rading. MS. *f.* 221.

Chefter. See *Deva.*

Chevage, (*Chevagium*, from the Fr. *Chef*, i. e. *Caput*, *Cenſus Capitis*) ſignifies a Tribute or Sum of Money formerly paid by ſuch as held Lands in Villenage, or otherwiſe, to their Lords in Acknowledgment; and was a Kind of Head or Poll-Money; whereof *Bracton*, *lib.* 1. *c.* 10. ſays thus; *Chevagium dicitur recognitio in ſignum ſubjectionis & Dominii de capite ſuo.* It ſeems alſo to be uſed for a Sum of Money, yearly given to a Man of Power, for his Countenance and Protection, as to their Chief *Head* or Leader. *Lambard* (*lib.* 2. *c.* 5. *Eirenarch.*) writes it *Chivage*: We now call it *Chiefage*. *Eſt & apud Wallos* Chevagii *genus quod* Amabyr *vocant*, *Principi Walliæ pro maritandis filiabus*, *olim ab omnibus* (*ut aſſerunt*) *hodie a quibuſdam* (*etiam liberis*) *perſolutum*, ſays *Spelman* on the Word Chevagium. See *Coke on Littl. fol.* 140.

That 'tis taken for a Sum of Money appears in a Charter of *H.* 3. *Mandatum eſt quod prædictum feſtum Sancti Edwardi vice Regia teneant & ſolenniter celebrent ad cuſtum* (the Coſts) *Regis &* Capitagium *Regis & Reginæ*, *&c.* Du Cange, Additiones.

The Jews, (whilſt they were admitted to live in *England*) paid *Chevagium* or Poll-Money to the King; as appears by *Pat.* 8 *Ed.* 1. *par.* 1. *m.* 15. And it was 3*d.* for every Head, paid yearly at *Eaſter*, in Token of their Servitude. *Stat. de Judaiſmo.*

Chevantia, A Loan or Advance of Money upon Credit. Fr. *Chavarice*, Goods, Stock.——*Idem Prioratus pene deſtructus, & poſſeſſiones ſuæ ad plurimos terminos pro plurimis* Chevanciis *alienatæ exiſtunt.* (*Mon. Angl.* 1 *Tom. p.* 629.) *i. e.* Are mortgaged out for Debts, or Sums of Money borrowed —— *Rex Rever. in Chriſto Patri* W. *Archiepſc.* Cant. —— *Nos ſuper executione effectus prædicti ceperimus propoſitum ad partes exteras perſonaliter tranſmeare; & Nos advertentes hujuſmodi propoſitum noſtrum abſque* Chevantia *competenti ad optatum finem commode deduci non poſſe* —— *necnon qualiter dicta* Chevantia *quietius & citius fieri, ac creditoribus noſtris in hac parte meliori & firmior ſecuritas ſolutionum dari poterit.* Summon. ad Parl. 5. R. c.

Chevaſia, (*Cheveſcium*,) the ſame with *Chacea*; *Donationes etiam fecit Abbati*, *&c. de tota terra ſua arabili cum* Cheveſciis. Mon. 2 Tom. p. 629.

Cheverillus, A young Cock or Cockling, *a Cheveril. Mandatum eſt Vicecom.* Southampton. *quod in balliva ſua perquiri faciat ad opus Regis contra inſtans Paſchæ quinquaginta gallinas & viginti* Cheverillos *liberandos apud* Clarendon *Seneſchallis noſtris.* ——*Eodem modo ſcribitur Vicecom.* Wilts. *de tot gallinis & tot* Cheverellis. Pat. 15 H. 3.

Chevisance, (Fr. *Cheviſſance*,) an Agreement or Compoſition made; an End or Order ſet down between a Creditor and a Debtor; or ſometimes taken for an indirect Gain or Booty. Lord *Verulam* in his *H.* 7. But in our Statutes it is moſt commonly uſed for an unlawful Bargain or Contract. As 37 *H.* 8. *cap.* 9. 13 *El. ca.* 5, & 8. and 12 *Car.* 2. *cap.* 13. In *Rot. Parl.* 21 *Ed.* 3. it is written *Cheevances.*

Chevitiæ and Chevitræ, (*Chevez.*) Hades at the End of plowed Lands. —— *Novem acras terræ cum* Cheviſeis *ad ipſas pertinentibus.* Mon. Angl. 2 par. fol. 116. and Pat. 9 Ed. 2. Par. 2. m. 2.

Chief. See *Capite.*

Chiefage. See *Chevage.*

Chief pledge, (*Plegius, vel vas capitalis*). 20 H. 6. cap. 8. For the better Underſtanding of this Word, ſee *Borow-head.*

Childwit, *Sax.* ſignifies a Power to take a Fine of a Bond-woman, unlawfully begotten with Child. *Prior habeat Gerſumam de Nativa ſua impregnata ſine licentia maritandi.* Ex Regiſtro Priorat. de Cokesford. Every reputed Father of a baſe Child, gotten within the Manor of *Writtel*, in *Com. Eſſex*, pays to the Lord for a Fine 3 *s.* 4 *d.* where it ſeems to extend as well to Free as Bond-women; and the Cuſtom is there yet called *Childwit. Quicunq; illam culpam fecerit, vocat.* Childwit, *Archiepiſcopus aut totam aut dimidiam emendationis partem habebit quietum eſſe de* Childwit. Du Cange.

Chimin, French *Chemin*, Signifies in Law Phraſe a Way: It is divided into two Sorts, The King's Highway, and a private Way. *Kitchin, fol.* 35. The King's Highway, *Chiminus Regius*, is that by which the King's Subjects, and all under his Protection, have free Liberty to paſs, though the Property of the Soil on each ſide, where the Way lieth, may perhaps belong to ſome private Man. A Way private is that, by which one Man or more have Liberty to paſs, either by Preſcription or by Charter, through another Man's Ground. And this is divided into *Chimin in Groſs*, and *Chimin Appendant.* Kitchin, fol. 117. *Chimin in Groſs* is that Way which a Man holdeth principally and ſolely in it ſelf: *Chimin Appendant* is that which a Man hath adjoined to ſome other Thing or Appurtenant thereto. For Example, If a Man hire a Cloſe or Paſture, and covenant for Ingreſs and Egreſs to and from the ſaid Cloſe, through ſome other Ground, by which otherwiſe he cannot paſs: Or *Chimin in Groſs* may be that, which the *Civilians* call *Perſonal*; as when one covenanteth for a Way through another Man's Ground for himſelf and his Heirs: *Chimin appendant*, on the other Side, may be that which they call *real*; as when a Man purchaſeth a Way through another Man's Ground, for ſuch as do or ſhall dwell in this or that Houſe, for ever, or be owners of ſuch a Manor. See *Co.* on *Lit. fol.* 56.

Chiminage (*Chiminagium*) Signifies a Toll for Wayfarage through the Foreſt. *Cromp. Juriſd. fol.* 189. *Telonium quod in Foreſtis exigebant Foreſtarii a plauſtris & equis oneris cauſa eo venientibus.* Charta Foreſtæ, cap. 14. *Nullus Foreſtarius de cætero, qui non ſit Foreſtarius de Feodo, reddens nobis firmam pro baliva ſua, capiat* Chiminagium *aliquid in Baliva ſua, &c.* —— *Et quædam Conſuetudo vocat.* The Feudiſts call it *Pedagium.* This in *Pulton. fol.* 8. is falſly printed *Chimmage*; and in a Record in the *Tower* I find *Chimage.*

Chimmage, *inter Reſtormel & Leſtreithiel quondam ad xii d. per an.* MS. Survey of the Dutchy of *Cornwall.*

Chimney-Money, Otherwiſe called *Hearth-Money*, by 14 *Car.* 2. *cap.* 12. Every *Fire-Hearth* and *Stove*, &c. (except ſuch as pay not to Church and Poor) ſhall be chargeable with *Two Shillings per Annum* at *Michaelmas* and *Lady-day* to the King, &c. See *Smoke-Money*, *Hearth-Money*, and *Fuage*.

Chip, Chep, Chipping, ſignifies the Place to be a Market-Town: From the Sax. *Ceapen*, *Cyppan*, *Emere*; as *Chippenham*, *Cheapſide*, &c.

Chippingavel, rectius *Cheapingavel*, Toll for Buying and Selling. See *Bagavel*.

Chirgemote, Circgemote or Chirchgemot, A *Saxon* Word ſignifying *Forum Eccleſiaſticum*; *Quouſque* Chirgemote *diſcordantes inveniet vel amore congreget*, *vel ſequeſtret judicio*. Leg. H. 1. cap. 8. and 4 *Inſt. fol.* 321.

Chirograph (*Chirographum*, or *Scriptum Chirographatum*) ſignifies any publick Inſtrument of Gift or Conveyance, atteſted by the Subſcription and Croſſes of the preſent Witneſſes, and was in the *Saxon* Times called *Chirographum*, which being ſomewhat changed in Form and Manner by the *Normans*, was by them ſtiled *Charta*. Of which *Ingulph* gives this good Account —— *Chirographorum confectionem Anglicanam, quæ antea uſque ad* Edwardi *Regis tempora Fidelium præſentium ſubſcriptionibus cum crucibus aureis aliiſque ſacris ſignaculis firma fuerunt*, Normanni *condemnantes* Chirographa *Chartas vocabant*, & *Chartarum firmitatem cum cerea impreſſione per uniuſcujuſque ſpeciale ſigillum ſub inſtillatione trium vel quatuor teſtium adſtantium conficere conſtituebant*. Hiſt. Ingulph. edit. Gale, pag. 901. Anciently, when they made a *Chirograph*, or Deed, which required a Counter-part, as we call it, they engroſſed it twice upon one Piece of Parchment contrary-wiſe, leaving a Space between, in which they wrote in great Letters the Word *CHIROGRAPH*; and then cut the Parchment in two, ſometimes even, ſometimes with *Indenture*, thro' the Midſt of the Word, concluding the Deed with, — *Incujus rei Teſtimonium utraq; pars mutuo ſcriptis præſentibus, fide media ſigillum ſuum fecit apponi*. This was afterwards called *Dividenda*, becauſe the Parchment was ſo divided or cut. And the firſt Uſe of theſe *Chirographs* was in *Henry* the Third's Time. See *Indenture*. *Chirograph* was alſo of old uſed for a Fine. —— *Promittens fideliter fide media ſub juramento præſtiti, quod in adventu Juſticiariorum prox. errantium levari faciam* Chirographum *de prædicta Remiſſione*, &c. Charta Neſtæ de Stanley ſine dat. in Regiſtro de Wormley. And the Manner of Engroſſing the Fines, and cutting the Parchment in two Pieces, is ſtill obſerved in that Office, which is called the *Chirographer's Office*. But as to Deeds, that was anciently called a *Chirograph*, which was deſcribed by the proper Hand-writing of the Vendor or Debtor, and delivered to the Buyer or Creditor; and it differed from *Syngraphus*, which was in this Manner; *viz.* Both Parties, as well the Creditor or Debtor, wrote their Names, and the Names of the Witneſſes, and the Sum of Money borrowed, either in Paper, or on a Piece of Wood, and the Word *Syngraphus* in Capital Letters in the Middle; which Letters were cut in the Middle, and one Part delivered to each Party, that upon comparing them (if any Diſpute ſhould ariſe) they might tally, and ſo put an End to the Difference. When this prudent Cuſtom had for ſome Time prevailed, then the Word *Chirographum* was appropriated to ſuch bipartite Writings or Indentures. —— *Et in hujus rei teſtimonium huic ſcripto in modum* Chirographi *confecto viciſſim ſigilla noſtra appoſuimus*. Mr. *Kennet's* Paroch. Antiq. p. 177. —— *Ut autem iſta conventio tuta & inconcuſſa perpetuo permaneat, præſentis ſcripti ſerie & utriuſque Monaſterii ſigilli teſtimonio una cum ſigillis Abbatum diviſo inter eos* Chirographo *confirmata eſt*. Ibid. pag. 223. The *Chirographs* were called *Chartæ Diviſæ*, *Scripta per* Chirographum *diviſa*, *Chartæ per Alphabetum diviſæ*, as the *Chirographs* of all Fines are at this Day.

Chirographer of Fines, *Chirographus Finium & Concordiarum*, Cometh of the *Greek* χειρόγραφον, (a Compound of χεὶρ, *Manus*, a Hand, and γράφω, *Scribo*, to write,) ſo that in plain *Engliſh*, it is a Writing of the Hand: It ſignifies in the Common Law, that Officer of the Common Pleas who ingroſſeth *Fines* in that Court, acknowledged into a perpetual Record, after they be acknowledged and fully paſſed by thoſe Officers by whom they were formerly examined, and that writeth and delivereth the Indentures of them unto the Party. 2 H. 3. *ca.* 8. and *Weſt. Symbol. par.* 2. Tit. *Fines*, *ſect.* 114, & 129. *F. N. B. fol.* 147. This Officer alſo maketh two Indentures, one for the Buyer, another for the Seller, and makes one other indented Piece, containing alſo the Effect of the *Fine*, which he delivereth over to the *Cuſtos Brevium*, that is called *The Foot of the Fine*. The *Chirographer* alſo, or his Deputy doth proclaim all the *Fines* in the Court every Term, according to the Statute; and then repairing to the Office of the *Cuſtos Brevium*, there indorſeth the Proclamations upon the Backſide of the Foot thereof; and always keepeth the Writ of Covenant, as alſo the Note of the *Fine*.

Chitte, A Shift, Shirt, or Shroud. —— *Thomas Cumberworth* Knight, of the Dioceſe of *Lincoln*, by his laſt Will made in the Year 1450. thus provides for his Self-denying Funeral. —— 'Furſt 'I gyff my Sawle to Gode my Lord and my Re'demptur, and my wrechid Body to be beryd in 'a *Chitte* without any Kyſte, (i. e. *Coffin*) in the 'North Yle of the Paryeh Kirke of *Someretby*, &c. *Ex Reg. Marmaduci Lumley Epiſc. Linc.*

Chivage. See *Chevage*.

Chivalry, (*Servitium militare*) Cometh of the French *Chevalier*, and ſignifieth in our Common Law a Tenure of Land by Knight's Service: For the better Underſtanding whereof, it is to be known, That there is no Land, but is holden mediately or immediately of the Crown by ſome Service, and therefore all our Free-holds that are to us and our Heirs are called *Feuda* or *Feoda*, Fees; as proceeding from the Beneficence of the King, for ſome ſmall yearly Rent, and the Performance of ſuch Services as originally were laid upon the Land at the Donation thereof; for as the King gave to the great Nobles, his immediate Tenants, large Poſſeſſions, for ever, to hold of him for this or that Service or Rent: And they again in Time parcelled out to ſuch others as they liked the ſame Lands, for Rents and Services, as they thought good. And theſe Services are by *Littleton* divided into two Sorts, *Chivalry* and *Soccage*: The former is martial and military, the other clowniſh and ruſtical; *Chivalry* therefore is a Tenure of Service, whereby the Tenant is bound to perform ſome noble or military Office unto his Lord; and is of two Sorts, either Regal, that is, ſuch as may hold only of the King, or ſuch as may hold only of a common Perſon: That which may hold only of the King is properly called *Servitium* or *Serjeantia*, and is again

again divided into *Grand* or *Petit*, great or ſmall; Great, commonly called *Grand Serjeanty*, is that where one holdeth Lands of the King by Service, which he ought to do in his own Perſon; as to bear the King's Banner or his Spear, or to lead his Hoſte, or to find a Man at Arms to fight within the four Seas, &c. *Littl.* Tit. *Serjeanty*. *Petit Serjeanty* is where a Man holdeth Land of the King, to yield him annually ſome ſmall Thing towards his Wars, as a Sword, Dagger, Bow, &c. *Littl.* Tit. *Petit Serjeanty*. *Chivalry* that may hold of a common Perſon, is called *Scutagium*, *Eſcuage*, that is, Service of the Shield, and this is either uncertain or certain. *Eſcuage* uncertain is likewiſe two-fold, Firſt, Where the Tenant is bound to follow his Lord, going in Perſon, to the King's Wars againſt his Enemies, either himſelf, or to ſend a ſufficient Man in his Place, there to be maintained at his Coſt ſo many Days, as were agreed upon between the Lord and his firſt Tenant at the granting of the Fee. And the Days of ſuch Service ſeem to have been rated by the Quantity of the Land ſo holden; as if it extended to a whole Knight's Fee, then the Tenant was bound to follow his Lord forty Days, and a Knight's Fee was ſo much Land, as in thoſe Days was accounted a ſufficient Living for a Knight, and that was 680 Acres as ſome hold, or as others 800, or 15 Pounds *per Annum. Camb. Brit. p.* 110. Sir *Thomas Smith* ſaith, *Cenſus equeſtris* is forty Pounds Revenue in free Lands. But if it extend to half a Knight's Fee, then the Tenant is bound to follow his Lord but twenty Days; If to a fourth Part, then ten Days. *F. N. B. fol.* 83, 84. The other Kind of this *Eſcuage uncertain* is called *Caſtleward*, where the Tenant by his Land is bound either by himſelf or ſome other, to defend a Caſtle as often as it ſhall come to his Courſe. *Eſcuage certain*, is where the Tenant is ſet at a certain Sum of Money to be paid in lieu of ſuch uncertain Service; as that a Man ſhall pay yearly for every Knight's Fee twenty Shillings. *Stow Annal. pag.* 238. for half a Knight's Fee ten, or ſome like Rate: And this Service, becauſe it is drawn to a certain Rent, groweth to be of a mixt Nature; not meerly Socage, for that it ſmelleth not of the Plough, and yet Socage in Effect, being now neither perſonal Service nor uncertain. *Lit.* Tit. *Socage*. This Tenure called *Chivalry*, hath other Conditions annext to it, as *Homage*, *Fealty*, *Wardſhip*, *Relief* and *Marriage*, Bract. lib. 2. c. 35. which, what they ſignify look in their Places: *Chivalry* is either *general* or *ſpecial*. *Dyer, f.* 161. *num.* 47. *General* ſeemeth to be where it is only ſaid in the Feoffment, That the Tenant holdeth *per ſervitium militare*, without any Specification of *Serjeanty*, *Eſcuage*, &c. *Special*, That which is declared particularly, what kind of Knight's Service he holdeth by. But there is a great Alteration made in theſe Things by the Statute, made 12 *Car.* 2. *cap.* 24. which ſaith, All Tenures by Knight's Service of the King or of any other Perſon, Knight's Service in Capite or Socage; in Capite of the King, and the Fruits and Conſequences thereof hapned, or which ſhall or may happen or ariſe thereupon, or thereby, are taken away and diſcharged: And all Tenures of Houſes, Manors, Lands, &c. ſhall be conſtrued and adjudged to be turned into free and common Socage, &c.

Chop-church (*Eccleſiarium permutatio*) is a Word uſed 9 H. 6. *cap.* 65. *a.* By the Senſe of which Book it was in thoſe Days a Kind of Trade; for for the Judges ſay it was a lawful Occupation, and a good Addition: Yet *Brook* in his *Abridgment* calls it not an Occupation, but a Thing permiſſible by Law. It was (without Doubt) a Nickname given to thoſe that uſed to change Benefices; for to *chop and change* is an uſual Expreſſion to this Day. I have alſo read *Church-Chopper*, for him that uſed to make ſuch Changes,——*Alii vero quorundam fatorum zizaniæ, ſubverſorum Juſtitiæ, & inauditæ abuſionis inventorum, ut illis verbis utamur* Choppe-Churches, *communiter appellati, mediatione doloſa interveniente, execrabili ardore avaritiæ, quandoque in ſubdolis permutationibus, hos nimia inæqualitate Beneficiorum, ac illis quandoque obtentis Beneficiis, fucatis coloribus totaliter deſtituunt & defraudant.* Litera miſſa omnibus Epiſcopis ſuffraganeis Domini contra *Choppe-Churches*. An. 1391. Spelm. de Conc. vol. 2. fol. 642.

Choral, *Choralis*, Is ſuch a Perſon of whom Mr. *Dugdale* in his Hiſt. of St. *Paul's* Church, *pa.* 172. ſays, There were ſix, whom he calls *Vicars Chorals*, belonging to that Church, and ſignifies one that by Virtue of any of the Orders of Clergy, was in ancient Time admitted to ſit and ſerve God in the Quire, which in *Latin* is termed *Chorus*.

Chorepiſcopi, Suffragan or Rural Biſhops, delegated by the Prime Dioceſan; their Authority was reſtrained by ſome Councils, and their Office by Degrees aboliſhed. After whom the Rural Deans were ſo commiſſioned to exerciſe Epiſcopal Juriſdiction, till inhibited by P. *Alexander* III. and the Council of *Tours*. See Mr. *Kennet's Paroch. Antiq. p.* 639.

Choſe, Fr. Thing: It is uſed with divers Epithets; as *Choſe Local* is ſuch a *Thing* as is annexed to a *Place*. For Example; a Mill is *Choſe Local*. *Choſe Tranſitory* ſeems to be that Thing which is moveable, and may be taken away or carried from Place to Place. *Kitchin, f.* 18. *Choſe in Action* is a Thing incorporeal, and only a Right; as an Annuity, Obligation for Debt, a Covenant, Voucher by Warranty, and generally all Cauſes of Suit for any Debt or Duty, Treſpaſs or Wrong, are to be accounted *Choſes in Action*. And it ſeems *Choſe in Action* may be alſo called *Choſe in Suſpence*; becauſe it hath no real Exiſtence or Being, nor can properly be ſaid to be in our Poſſeſſion. *Brook*, Tit. *Choſe in Action*.

Chriſm, A Confection of Oil and Balſam conſecrated by the Biſhop, and uſed in the Popiſh Ceremonies of Baptiſm, Confirmation, and ſometimes Ordination.

Chriſmale, *Chriſmal*, *Chriſom*, *Cryſom*, The Face-Cloth, or Piece of Linen laid over the Child's Head at Baptiſm, which of old was a cuſtomary Due to the Pariſh Prieſt.——*Mulieres ſequentes debent offerre* Chriſmalia *Infantum*, *nec* Chriſmalia *debent alienari, nec in aliquos uſus mitti debent, niſi in uſus Eccleſiæ.*——*Statuta Ægidii Epiſc.* Sariſbur. *Anno* 1256.

Chriſmatis denarii, *Chriſom-Pence*, Money paid to the Dioceſan, or his Suffragan, by the parochial Clergy, for the *Chriſm* conſecrated by them about *Eaſter*, for the Holy Uſes of the Year enſuing. This cuſtomary Payment being made in *Lent* near *Eaſter*, was therefore in ſome Places called *Quadrageſimals*, and in other *Paſchals* and *Eaſter-Pence*. The Biſhops Exaction of it was condemned by Pope *Pius* III. for Simony and vile Extortion: And therefore the Cuſtom was releaſed and quit-claimed by ſome of our *Engliſh* Biſhops.

Biſhops. —— As *Robert* Biſhop of *Lincoln*, by expreſs Charter. —— *Sciatis nos remiſiſſe Clericis omnibus infra Epiſcopatum* Lincolnienſem *Paſchalem conſuetudinem quam* Chriſmatis denarios *vocant* —— *Teſtibus* Waltero *Abbate de Kirkſtede.* Radulpho *Abbate de Ludu.* David *Abbate de Barling. Magiſtro* Gilberto *de Sempringham. Cartular. Mon. de* Berdency. MS. *Cotton.*

Chriſtianitatis Curia, The Court *Chriſtian* or Eccleſiaſtical Judicature, oppoſed to the Civil Court or Lay Tribunal, or *Curia Domini Regis.* Theſe Courts of *Chriſtianity* were not only held by Biſhops in Synods, and their Archdeacons and Chancellors in Conſiſtories; but in the Rural Chapters, where the Rural Dean or *Decanus Chriſtianitatis* preſided, and the Pariſh-Prieſts were Aſſeſſors or Aſſiſtants. See *Kennet's* Diſcourſe of Rural Deans, in his *Paroch. Antiq. p.* 641. Henec *Juſtitiam Chriſtianitatis facere* was to proſecute and cenſure a Criminal in the Eccleſiaſtical Court. As *Anno* 28 *Ed.* 1. —— *Alex. Linc. Epiſc. Guidoni de Charing Parochiano ſuo ſalut. Mando tibi & præcipio ut cito reddas Eccleſiæ de Egneſham, & Waltero Abbati Eccl. ſuam de Meritona* —— *Quod ni cito feceris, præcipio ut Walterus Archidiac. nobis juſtitiam* Chriſtianitatis *faciat donec reddas.* Ib. p. 90.

Chuepa, Chop or Change —— *Dedi eſſarta de Dominio Patris mei & unam virgatam terræ de* Cheuppa *quam Andreas tenet.* —— Cartular. Radings. *fol.* 94.

Church. See Fabrick-Lands, and *Matrix Eccleſia.*

Church-reve, Is the ſame with *Churchwarden*; *Reve* in the *Saxon* being as much as Guardian in the *French*, and ſignifies the Guardian or Overſeer of the *Church*, as *Shire-Reeve* is the *Gardein* of Shire or County, and *Port-Reeve* of the Port or Haven, though afterwards it became a Name of Office. The Word is now out of Uſe, but uſed by *Chaucer*, ſpeaking of the Juriſdiction of Archdeacons. See *Churchwardens.*

Churchwardens, *Eccleſiarium Gardiani*, be Officers yearly choſen, by the Conſent of the Miniſter and Pariſhioners, according to the Cuſtom of every ſeveral Place, to look to the *Church*, *Churchyard*, and ſuch Things as belong to both, and to obſerve the Behaviours of their Pariſhioners for ſuch Faults as appertain to the Juriſdiction or Cenſure of the Court-Eccleſiaſtical. Theſe be a Kind of Corporation, enabled by Law to ſue for any Thing belonging to their *Church*, or Poor of their Pariſh. See *Lamb. Duty of Churchwardens.*

Churcheſſet, *Ciricſceat*, *Chirſet* or *Curcſcet*, A *Saxon* Word mentioned in *Domeſday*, and interpreted by Mr. *Agar*, *Quaſi Semen Eccleſiæ*, Corn paid to the *Church*. *Fleta* calls it *Circſed*, *lib.* 1. *cap.* 47. and thereof writes thus, It ſignifies a certain Meaſure of Wheat, which in Times paſt every Man on St. *Martin's* Day gave to the *Holy Church*, as well in Times of the *Britains* as of the *Engliſh*; yet many great Perſons after the Coming of the *Romans* gave that Contribution, according to the ancient Law of *Moſes*, in the Name of Firſt-fruits; as in the Writ of King *Canutus* ſent to the Pope is contained, in which they call that Contribution, *Chirch-ſed*, as one would ſay *Churchſeed.* Scld. *Hiſt. Tithes*, *p.* 216.

Churſot, *Church-ſcot*, or cuſtomary Oblations to the Pariſh-Prieſt: From which Duty the Religious had ſometimes purchaſed an Exemption for themſelves and their Tenants. —— *Ita quod ego Willielmus de Putot & Aſſignati mei in Eſſora erimus ſoluti & quieti de decimis minutis præſtandis & de* Churſot *in villa de Neubold.* —— Cartular. domus de Thelesford. MS.

Churl, *Ceorle*, *Carl*, was in the *Saxons* Time a Tenant at Will, of free Condition, who held ſome Land from the *Thane*, or Condition of Rents and Services, which *Ceorles* were of two Sorts; one that hired the Lord's Out-land or Tenementary Land, like our Farmers; the other that tilled and manured the *Inland* or *Demains* (yielding *operam* not *cenſum*, Work and not Rent) and were thereupon called his Sockmen or Ploughmen. *Vid.* Spelman *of Feuds.*

Ciſſurnum, *Collerford* in *Northumberland.*

Cinnamon, *Cinnamomum*, Is a Tree whereof the Bark is known to be pleaſant, and a comfortable and medicinal Spice, which you have deſcribed in *Gerard's Herbal*, *lib.* 3. *cap.* 142. This is reckoned among garbleable Spices *Anno* 1 *Jac. cap.* 19.

Cinque Ports, *Quinque Portus*, are thoſe ſpecial Havens that lie toward *France*, and therefore have been thought fit by our Kings from Time to Time to be ſuch as ought moſt vigilantly to be guarded againſt Invaſion: In which reſpect the Places where they be, have an eſpecial Governor or Keeper called, by his Office, *Lord Warden of the Cinque Ports*, and divers Privileges granted unto them, as a particular Juriſdiction, their *Warden* having the Authority of an Admiral among them, and ſending out Writs in his own Name. *Crompton* in his *Juriſdictions*, *f.* 28. nameth *Haſtings*, *Rumney*, *Rye*, *Dover*, *Sandwich*, *Winchelſea* and *Hythe*, whereof ſome, becauſe the Number exceedeth five, muſt either be added to the firſt Inſtitution by ſome later Grant, or be accounted as Appendants to ſome of the Reſt. See *Gardeine of the Cinque Ports*, and the Statute 31 *H.* 8. *cap.* 48. See *Quinque Portus*, and 4 *Inſt. fol.* 222.

Cippus, A Pair of Stocks to put Offenders in. —— *Habeant, necnon* Cippos *& concluſoria in ſingulis villis, ad correctionem delinquentium.* Mon. Ang. 2 par. f. 349. a.

Circa, *i. e.* a Watch: From which *Circuitor*: *Quatuor Circuitores Monaſterii quos alio nomine* Circas *vocant, juxta præceptum ſancti Benedicti certis horis circuire debent Monaſterii officinas.* Du Cange.

Circada, a Tribute which was paid to the Biſhop or Archdeacon for viſiting the Churches. *Du Freſne.*

Circuity of Action, (*Circuitus Actionis*) Is when an *Action* is rightfully brought for a Duty, but yet about the Buſh, as it were, for that it might have been as well otherwiſe anſwered and determined, and the Suit ſaved; and becauſe the ſame *Action* is more than needful, it is called *Circuity of Action*; as if a Man grant a Rent-charge of ten Pounds out of his Manor of *Dale*, and after the Grantee diſſeizes the Grantor of the ſame Manor, and he brings an Aſſiſe, and recovers the Land and twenty Pounds Damages, which twenty Pounds being paid, the Grantee of the Rent ſues his Action for ten Pounds of the Rent due during the Time of his Diſſeiſin, which if no Diſſeiſin had been, he muſt have had. This is called *Circuity of Action*, becauſe it might have been more ſhortly anſwer'd; for whereas the Grantor ſhall receive 20*li.* Damages, and pay 10*li.* Rent, he might have received but the 10*li.* only for the Damages, and the Grantee might have cut off, and kept back

the other 10 *li.* in his Hands, by way of Detainer for his Rent, and ſo thereby might have ſaved his *Action*.

Circumſpecte Agatis, Is the Title of a Statute made 13 *E.* 1. *Anno Domini*, 1285. preſcribing ſome Caſes to the Judges, wherein the King's Prohibition lies not. *Co. lib.* 7. *f.* 44. *lib.* 5. *f.* 67. and 2 *Par. Inſt. fol.* 487.

Circumſtantibus, In Engliſh *By-ſtanders*, Is a Word of Art, ſignifying the Supply or making up of the Number of Jurors (if any impannelled do not appear, or appearing, be challenged by either Party) by adding to them ſo many other of thoſe that are preſent or ſtanding by, as will ſerve the Turn. 35 *H.* 8. *ca.* 6. 5 *Eliz. cap.* 25.

Cirencester. See *Corinium.*

Ciriſcat, (Sax. *Ciric-ſceat*, *Vectigal Eccleſiaſticum*, *frumenti tributum*) *Church-ſcot*, a certain Portion, Tribute, or Payment, made to the *Church*, of Corn, Fruit, or any other Thing. *Fleta* called it *Circſed*, *quaſi*, *Semen Eccleſiæ debitum*. *Joh. Southam ad Feſtum. S. Martini in Yeme debet* 1 *Gallinam* (*de redditu*) & 5 *Gallinas de* Chirſcat. *Cuſtum. Monaſt. de Bello. fol.* 87. *a.* This Tribute was anciently payable at the Feaſt of St. *Martin*, as appears by *Domeſday*, and called by Sir *Edw. Coke* Church-ſeed. *Coke on Littl. fol.* 88. *b.* See *Churcheſſet.*

Cirliſchus homo, a Churl, or Countryman.

Ciſimus, a Beaſt whoſe Skin was uſed to make rich Garments.

> Ciſimus *obrepſit & veſtitura potenter*
> *Marturis*, *& ſpolio non leviore Bever.*

Citatio ad inſtantiam partis, (22 & 23 *Car.* 2. *Stat.* for laying Impoſitions on Proceedings at Law).

City, In the Lat. *Urbs*, *Civitas*, and *Oppidum*: It is named *Civitas*, in regard it is governed in Juſtice, and Order of Magiſtracy. *Oppidum*, for that it contains a great Number of Inhabitants; and *Urbs*, becauſe it is in due Form begirt about with Walls. *Civitas* according to *Ariſtotle*, *li. Politicor. cap.* 1. is defined to be a certain or uniform Government of the Inhabitants, & *Cæſar Civitatem vocat*, *populum eodem jure utentem*. Camb. Brit. p. 310. But this is the general Definition of a Common-wealth, and not of a *City*, at leaſt as we now a-days take it. *City* is a Word which hath obtained ſince the Conqueſt: For in the Time of the *Saxons* there were no *Cities*, but all great Towns were called *Burghs*; and even *London* was then called *Lunden Burgh*, i. e. *London Borough*. And long after the Conqueſt the Word *City* is us'd promiſcuouſly with *Burgh*, as in the Charter of *Leiceſter* 'tis called both *Civitas* and *Burgus*; which ſhews that my Lord *Coke* was miſtaken, when he tells us that every *City* was or is a Biſhop's See: Nor had *Glouceſter* then any Biſhop, tho' it is called a *City* in *Domeſday*. And he himſelf obſerves in another Place that *Cambridge* was a *City* by ancient Record, *viz. Mich.* 7 *R.* 1. *Rot.* 1. tho' it never had a Biſhop. And in the Stat. 11 *H.* 7. *c.* 4. 'tis called *Cambridge* Town.

So that though the Word *City* ſignifies with us ſuch a Town Corporate as hath uſually a Biſhop and Cathedral Church, yet 'tis not always ſo. And *Crompton* reckoning our *Cities*, leaves out *Ely*, tho' it has a Biſhop and a Cathedral Church.

Anno 35 *Eliz. cap.* 6. *Weſtminſter* is called a *City*; and it appears by the Statute 35 *H.* 8. *c.* 10. that then there was a Biſhop of *Weſtminſter*. But by Letters Patent dated 21 *May*, 2 *Eliz.* (purſuant to an Act of Parliament of 1 *Eliz.* not printed) the Revenues of that late Monaſtery were veſted in the *Dean and Chapter of the Collegiate Church of Weſtminſter*, which hath cauſed Error in the Pleadings of ſome Caſes, by ſtiling it the *Cathedral*, for *Collegiate* Church of *Weſtminſter*. *Caſſaneus de Conſuetud. Burgun. pag.* 15. ſaith, That *France* hath within its Territories one hundred and four *Cities*; and gives his Reaſon, becauſe there are ſo many Sees of Archbiſhops and Biſhops.

Clack; as, to *clack*, *force*, or *bard*, alias *beard*, good Wool. *Anno* 8 *Hen.* 6. *cap.* 22. Whereof the firſt, *viz.* To *clack Wool*, is to cut off the Sheep's Mark, which makes it weigh leſs, and ſo yield the leſs Cuſtom to the King. To *force Wool*, is to clip off the Upper and hairy Part of it. To *bard* or *beard* it, is to cut the Head and Neck from the reſt of the Fleece. *Noverit univerſitas veſtra nos vendidiſſe & conceſſiſſ.* 62. *ſaccos lanæ de collecta monaſterii noſtri ſine* Clack *& Lok God & Card nigra griſſa vilem tuyſen*, *&c. ſine pelle.* Du Cange.

Clades. See *Cleia.*

Cladus, *Clades*, *Clada*, *Cleta*, *Clida*, *Cleia*, From the Brit. *Clie*; the preſent Iriſh *Clia*, a Wattle or Hurdle, whence *Dublin* was formerly called *Biurle Cliet*, i. e. *Watlington*, the Town of Hurdles. —— A Hurdle for penning or folding Sheep is ſtill in ſome Counties of *England* called a *Cley*.—— *Et in xii.* Cladis ovilibus *emptis de* Nicolao Aleyn *hoc anno xviii. den. & in ſolutis pro putatione & factura triginta* Cladorum ovilium *apud parcum de* Midlington *hoc anno xix. den.* —— Paroch. Antiq. p. 577.

Claga. See *Cleia.*

Claim (*Clameum*) is a Challenge of Intereſt in any Thing that is in the Poſſeſſion of another, or, at leaſt, out of his own; as *Claim* by Charter, *Claim* by Deſcent, *&c. Old Nat. Br. fol.* 11. *Si Dominus infra annum* Clameum *qualitercunque appoſuerit. Bracton*, *lib.* 1. *cap.* 10. See the Definition and divers Sorts of *Claim* in *Plowden. Caſu Stowel*, *fol.* 359. *a.*

Clamea admittenda in itinere per Atturnatum is a Writ whereby the King commands the Juſtices in *Eyre* to admit one's *Claim* by Attorney, who is employed in the King's Services and cannot come in his own Perſon. *Reg. of Writs*, *fol.* 19. *b.*

Clap-board (*An.* 35 *Eliz. ca.* 11.) is Board cut in order to make Casks or Veſſels.

Clarentius. See *Herald.*

Claretum, A Liquor made of Wine and Honey, clarified or made clear by Decoction, *&c.* which the *Germans*, *French*, and *Engliſh*, called *Hippocras*. And it was from this, the red Wines of *France* were called *Clairet* and *Claret*. —— *Ad hæc etiam in tanta abundantia vinum hic videas*, *& ſiceram*, *pigmentum*, *&* claretum, *muſtum & medonem*. Girald. Cambr. *apud* Whartoni Angl. Sac. P. 2. p. 480.

Clarigarius Armorum, an Herald.

Clario, a Trumpet. *Statimque clangebant* Clariones *& Tubæ*. Knighton, Anno 1346.

Claſſiarius, a Seaman, or Soldier ſerving at Sea—— *Omneſque ejus Capitaneos*, *Milites & Claſſiarios*.——Charta Caroli 5 Imperatoris Thomæ Comiti Surr. dat. in urbe Londinenſi, 8 Junii, 1522.

Claſſicum,

Clasticum, a Ring of Bells. *Proprie est concentus omnium instrumentorum simul sonantium. Campanis per totam civitatem ad* Clasticum *pulsantibus.* Du Cange.

Claud. Brit. a Ditch. —— *Per illum rivulum usque ad quoddam* Claud. *juxta* Coitmaur. Carta Lewellei Principis Wall. dat. An. 1198.

Claudere, To enclose, or turn open Fields into Closes and Enclosures. —— *Dedi & concessi totam culturam ad* claudendum *& faciendum quicquid inde dictis Canonicis placuerit.* Paroch. Antiq. p. 236.

Claves Insulæ, *i. e.* the Keys of the Island. In the Isle of *Man* all ambiguous and weighty Cases are referred to twelve, whom they call *Claves Insulæ.*

Clavia, The Clovery, or Mace, or Club. In the Inquisition of Serjantics in the 12th and 13th Year of King *John*, within the Counties of *Essex* and *Hertford* —— Boydin Aylet *tenet quatuor libr. terræ in* Bradwell, *per manum* Willielmi de Dona *per Serjantiam* Claviæ, *i. e.* by the Serjanty of the Club or Mace. See Dr. *Brady*'s Append. to Introduct. to *Eng.* Hist. p. 22.

Clavigeratus, *i. e.* a Treasurer of a Church. *Aliter Willielmus Wallingford* Clavigeratus. Monast. 1 Tom. p. 184.

Clause Rolls, *Rotuli Clausi*, preserved in the *Tower*, and containing such Matters of Records as were committed to *Close Writs.*

Clausentum, *Southampton.*

Clausick, *Clausike*, The Claw-sickness, or Foot-rot in Sheep. —— *An.* 1277. *invaluit generalis scabies ovium per universam regionem* Angliæ *quæ a vulgo dicebatur* clausick, *per quam infectæ sunt omnes terræ, ad quarum scabiem abolendam adinventa est quædam unctio confecta ex vivo argento & uncto porcino.* Annal. Warverle, sub An. —— We have not lost the Disease, nor found a better Receipt for it.

Clausura, Brush-wood for Hedges or Fences. —— King *Henry* the Third, gave to the Prior and Canons of *Chetwode*, —— *quinque carucatas* clausteræ *ad præd. terræ* clausturam *sustinendam.* Paroch. Antiq. p. 247. This Sort of Wood is in many Parts of *England* called *Teenage*, from Sax. *Tynan*, to enclose or shut; whence to *Tine* the Door, *i. e.* to shut it. It also signifies an Enclosure, or that which fences it. *In sepibus, in* clausturis, *in communibus, &c.* Mon. Angl. Tom. 2. fol. 409.

Clausum fregit, Signifies as much as an Action of Trespass; and so called, because in the Writ such a one is summoned to answer *Quare clausum fregit*, that is, why he did such a Trespass. Mr. *Somner*, in his *Saxon Dictionary*, conceives the Original of those much used Words in our Law-Pleading might come the Saxon *Eder-bryce*, which signifies *Hedge-breaking*, the Boughs which close the Top of the Hedge being usually called *Etherings.*

Clausum Paschæ, *Stat. of Westm.* 1. *Lendemaine de la Cluse de Pasche*; that is, *In Crastino clausi Paschæ*, or, *in Crastino Octabis Pasch.* which is all one; *viz.* The Morrow of the *Utas of Easter.* 2 *Part. Inst. f.* 157. —— *Ad Curiam cum visu Franci Pleg. tent. apud* Maurdin *die Jovis prox. post Festum* Clausi Paschæ, anno 17 Ed. 4. *Testatum fuit quod, &c.* Clausum Paschæ, *i. e. Dominica in Albis*; *sic dictum, quod Pascha* Claudat.

Clausura Heræ. *Johannes Stanley Ar. clamat quod ipse & hæredes sui sint quieti de* clausura Heyæ *de* Maucclesfield, *scil.* clausura *unius rodæ terræ circiter* hayam *prædict.* Rot. plac. *in Itinere apud Cestriam. An.* 14 *H.* 7. This *clausura heyæ* is no more than the Enclosure of a Hedge.

Clawa, a Close, or small Enclosure. ——*Ego Adam Heleman Frater Willielmi Helleman pro aminæ meæ salute dedi —— Deo & Ecclesiæ beat. Apostolorum Petri & Pauli de Plimpton.* ——*Unam domum cum horto in villa de Ovredene & unum* clawam *terræ cum pertinentiis in terra de Ovreden —— quæ scilicet* clawa *terræ sic jacet per partes.* —— Ex Regist. de Plimpton MS. Probably from the Saxon *Clea, Angulus*, A Nook of Land.

Cleia, Cleta, Clades, a Hurdle. *Si murdrum inveniatur alicubi, custodiatur 7 diebus super* Cletam. Leges H. 1. cap. 92. *Item pro* 18 Cladibus *faciendis ad ovile sex denar.* Somner Gavel, f. 190.

Cleptor, a Thief or Rogue. *Dum suum Dapiferum a manibus pessimi* Cleptoris *ne occideretur vellet eripere.* Hoveden, Anno 946. Flor. Worc. pag. 604.

Clergy *Clerus* is diversly taken; sometimes for the whole Number of those who are *De Clero Domini*, of our Lord's Lot or Share, as the Tribe of *Levi* was in *Judæa*; sometimes for a Plea to an Indictment or an Appeal, and is by *Staundford* (*Pl. Cor. lib.* 2. *c.* 41). thus defined: —— *Clergy* is an ancient Liberty of the Church, which hath been confirmed by divers Parliaments, and is when a Priest, or one in Orders, is arraigned of Felony before a secular Judge, he may pray his *Clergy*; which is as much as if he prayed to be delivered to his Ordinary, to purge himself of the Offence objected. And this might be done in Case of Murder. *Coke, lib.* 4. *f.* 46. *a.* This Liberty is mentioned *in Articulis* Cleri, *An.* 9 *E.* 2. *c.* 26. And what Persons might have their *Clergy*, and what not, see *Staundf. Pl. Cor. lib.* 2. *c.* 42, & 43. Yet there are many Statutes made since he wrote that Book, whereby the Benefit of the *Clergy* is abridged; as *Anno* 8 *El. c.* 4.——14 *ejusdem, cap.* 5. ——18 *ejusdem, c.* 4, 6, 7.——*An.* 23 *ejusdem, c.* 2. ——29 *ejusdem, c.* 2. 31 *ejusdem, ca.* 12. and 39 *ejusdem, c.* 9, & 15. Of this see *Crompton's Justice of Peace, f.* 102, & 105. and *Lambard's Eiren. lib.* 4. *c.* 14. And note, That the ancient Course of Law in this Point is much altered: For by the Statute of 18 *El. ca.* 7. Clerks are no more delivered to their Ordinaries to be purged; but now every Man to whom this Benefit is granted, tho' not in Orders, is put to read at the Bar after he is found guilty and convicted of such Felony, and so burnt in the Hand, and set free for the first Time, if the Ordinary's Commissioner or Deputy standing by do say, —— *Legit ut Clericus*; or otherwise he suffers Death for his Transgression.

As to the *Clergy* in general, though they claim an Exemption from all secular Jurisdiction, yet *Matthew Paris* tells us, That soon after *William* the First had conquered *Harold*, he subjected the Bishopricks and Abbeys who held *per Baroniam*, (and who till then were exempted from all secular Service,) that they should be no longer free from military Services; and for that Purpose he in an arbitrary Manner registered how many Soldiers every Bishoprick and Abbey should provide, and send to him and his Successors in Time of War; and having placed these Registers of Ecclesiastical Servitude in his Treasury, those who were aggrieved, departed out of the Realm.

But the *Clergy* were not till then exempted from all ſecular Service; becauſe by the Laws of King *Edgar* they were bound to obey the ſecular Magiſtrate in three Caſes, *viz.* Upon any Expedition to the Wars, and to contribute to the building and repairing Bridges and Caſtles for the Defence of the Kingdom.

'Tis probable that by *Expedition to the Wars*, it was not intended that they ſhould perſonally ſerve, but contribute towards the Charge. One they muſt do; as appears by the Petition to the King *Anno* 1267, *viz. Ut omnes* Clerici *tenentes per Baroniam vel feudum laicum, perſonaliter armati procederent contra Regios adverſarios; vel tantum Servitium in expeditione Regis invenirent, quantum pertineret ad tantam terram vel tenementum.* Their Anſwer was, That they ought not to fight with the Military, but with the Spiritual Sword, that is, with Prayers and Tears; that they ought to maintain Peace, and not War, and that their Baronies were founded in Charity, for which Reaſon they ought not to perform any military Service.

Clerico admittando, Is a Writ directed to the Biſhop, for the admitting of a *Clerk* to a Benefice upon a *Ne admittas*, tried and found for the Party that procureth the Writ. *Reg. Orig. fol.* 31.

Clerico rapto per Statutum Mercatorum, &c. Is a Writ directed to the Biſhop, for the Delivery of a *Clerk* out of Priſon, that is in Cuſtody upon the Breach of a *Statute-Merchant. Reg. Orig. fol.* 147.

Clerico convicto commiſſo Cuſtæ in defectu Ordinarii deliberando, &c. Is a Writ for the Delivery of a *Clerk* to his Ordinary, that formerly was convicted of Felony, by reaſon his Ordinary did not challenge him according to the Privileges of *Clerks. Reg. Orig. fol.* 69. *a.*

Clerico infra ſacros Ordines conſtituto non eligendo in Officium, Is a Writ directed to the Bailiffs, *&c.* That have thruſt a Bailiwick, or Beadleſhip upon one in Holy Orders, charging them to releaſe him again. *Reg. Orig. fol.* 143. *a.*

Clericus. The Word was uſed for a ſecular Prieſt, in Oppoſition to a Religious or Regular. King *John* in the Time of the *Interdict*, committed to *William de Cornhull*, and *Gerard de Camvill*, —— *Omnes terras & res Abbatum & Priorum, & omnium Religioſorum, & etiam* Clericorum *de Epiſcopatu Linc.* Paroch. Antiq. p. 171.

Clericus Sacerdotis, A Pariſh-Clerk, or inferior Aſſiſtant to the Parochial Prieſt, who uſually took an Oath of Fidelity from this Servant. Before the Reformation, the Rector was ſometimes obliged to provide and maintain his own *Clerk*; and ſometimes the religious Appropriators were bound to find and ſupport a *Clerk*, as a menial Servant to the Vicar. So in the Churches appropriated to the Abbey of *Oſeney*, —— *Canonici vero* Clericum *Vicario, & Eccleſiæ miniſterio, & ejus obſequio devotum invenient, qui juramentum fidelitatis ipſi Vicario præſtabit*, —— *Ubi autem non fuerint Canonici reſidentes*, Clericus, *qui, ut ſupradictum eſt, expenſis eorum procurabitur, clavem eorum deferet in domo eorum, &c.* Paroch. Antiq. p. 304. The *Pariſh-Clerks* were formerly to be Men of Letters, and to teach a School in the Pariſh, and were ſometimes elected by the Pariſhioners, two for each Church, as the *Sacriſtan* or *Sexton* and *Clerk* in our City Churches, being ſuppoſed to live upon the Alms and voluntary Contributions of their Elders. So *John Peckham* Archbiſhop of *Canterbury*, *Anno* 1280. ordained the Church of *Banquel*, and the Chapels annext to it, —— *Volumus inſuper ibidem eſſe duos* Clericos *Scholaſticos per Parochianorum, de quorum habeant vivere eleemoſynis, induſtriam eligendos, qui Aquam benedictam circumferent in Parochiam, ac Capellis diebus Dominicis & Feſtivis, in Divinis miniſtrantes officiis, & profeſtis diebus diſciplinis Scholaſticis indulgentes.* Mon. Angl. Tom. 3. p. 227. *Pariſh-Clerks* were to be School-Maſters in Country Villages, by the Conſtitutions of *Alexander* Biſhop of *Coventry*, *Anno* 1237, *&c.* Hence the School-Houſe, or Place of Teaching was often in the Belfrey, in the Church-Porch, or ſome contiguous Building: And hence the profaner Uſe of ſtill teaching in the Chancels. It would however be of good Service to the Church and Nation, to reſtore this ancient Practice, eſpecially in remote Country Villages, where the *Clerk* would do more to the Service of God, and the Benefit of the People, if he were able to inſtruct the Children in Reading and Writing, and underſtand the Church Catechiſm; thus they might be bred to ſome Senſe of Chriſtianity and good Manners.

Clerk, *Clericus*, hath two Significations; one as it is the Title of him that belongeth to the holy Miniſtry of the Church, that is (as we reckon) either Miniſter or Deacon, or what other Degree or Dignity ſoever; though according to former Times, not only *Sacerdotes & Diaconi*, but alſo *Subdiaconi, Lectores, Acholythi, Exorciſtæ, & Oſtiarii*, were within this Account, as they be at this Day, where the Canon Law hath full Power. And in this Signification a *Clerk* is either Religious (otherwiſe called Regular) or Secular. *An.* 4 *H.* 4. *c.* 12. This Word *Clericus* comprehends all Sorts of Prieſts, Deacons, and others in Holy Orders, either Secular or Regular; but more properly a Miniſter or Prieſt, or one who is more peculiarly called *in ſortem Domini. Poor Vicar's Plea, fol.* 13. Yet *Johannes Sawel Clericus Domini Regis*, (*ſcil. E.* 1.) was ſuppoſed to ſignify Secretary or *Clerk* of his Council. *Antiq. of Nottinghamſhire, fol* 317. The other Signification of this Word noteth thoſe that by their Function, or Courſe of Life, practice their Pen in any Courts, or otherwiſe; as namely the *Clerk* of the Rolls of Parliament; *Clerks* of the Chancery, and ſuch like, whoſe peculiar Offices ſhall be ſet in Order.

Clerk of the Acts is an Officer of good Account in the Navy-Office, who receives and records all Orders, Contracts, Bills, Warrants, and other Buſineſſes, tranſacted by the Lord Admiral and Commiſſioners of the Navy; and is mentioned in the Stat. 16 *Car.* 2. *cap.* 5. and 22 & 23 *Car.* 2.

Clerk of Aſſiſe (*Clericus Aſſiſarum*) is he that writes all Things judicially done by the Juſtices of *Aſſiſe* in their Circuits. *Cromp. Juriſd. fol.* 227.

Clerk of the Bails, (22 & 23 *Car.* 2. *c.* 9. of impoſ. on Proceeding at Law) is an Officer belonging to the Court of *King's Bench.*

Clerk of the Check is an Officer in the King's Court, ſo called, becauſe he hath the *Check* and Controlment of the Yeomen of the Guard, and all other ordinary Yeomen, belonging either to his Majeſty, the Queen, or Prince; either giving Leave, or allowing their Abſences or Defects in Attendance, or diminiſhing their Wages for the ſame. He alſo nightly, by himſelf, or Deputy, takes the View of thoſe that are to watch in the

Court, and hath the ſetting of the Watch. This Officer is mentioned *Anno* 33 *Hen.* 8. *cap.* 12. Alſo there is an Officer of the ſame Name in the King's Navy, and mentioned *Anno* 19 *Car.* 2. *c.* 1.

Clerk of the Cheſt, (*An.* 16 *Car.* 2. *c.* 5.) keeps an Account of the Monies collected, and kept in a *Cheſt*, for the Uſe of ſick and maimed Seamen and Mariners.

Clerk of the Crown (*Clericus Coronæ*) is a *Clerk* or Officer in the *King's Bench*, whoſe Function is to frame, read, and record all Indictments againſt Traitors, Felons, and other Offenders, there arraigned or indicted upon any publick Crime. He is otherwiſe termed *Clerk of the Crown-Office*. And *Anno* 2 *Hen.* 4. 10. he is called *Clerk of the Crown of the King's Bench.*

Clerk of the Crown in Chancery (*Clericus Coronæ in Cancellaria*) is an Officer there, who, by himſelf or Deputy, is continually to attend the Lord Chancellor, or Lord Keeper; writes and prepares, for the Great Seal of *England*, ſpecial Matters of State by Commiſſion, or the like, either immediately from his Majeſty, or by Order of his Council, as well ordinary as extraordinary, *viz.* Commiſſions of Lieutenancy, of Juſtices Itinerant, and of Aſſiſes of *Oyer* and *Terminer*, of Gaol-Delivery, and of the Peace, with their *Writs of Aſſociation*, and the like. Alſo, all General Pardons upon Grants of them, at the King's Coronation, or at the Parliament, where he ſits in the Lords Houſe in Parliament-time; into whoſe Office the Writs of Parliament, made by the *Clerks* of the Pettibag, with the Names of Knights and Burgeſſes elected thereupon, are to be returned and filed. He hath alſo the Making of all ſpecial Pardons and Writs of Execution upon Bonds of Statute-Staple forfeited, which was annexed to his Office in the Reign of Q. *Mary*, in Conſideration of his continual and chargeable Attendance: Both theſe before being common for every *Curſitor* and *Clerk* of the *Court of Chancery* to make.

Clerk of the Deliveries is an Officer in the *Tower*, who takes Indentures for all Stores iſſued thence.

Clerk of the Errors (*Clericus Errorum*) in the Court of *Common Pleas*, does tranſcribe and certify into the *King's Bench*, the Tenor of the Records of the Cauſe or Action; upon which the *Writ of Error* (made by the *Curſitor*) is brought, there to be judged and determined. The *Clerks of the Errors* in the *King's Bench*, does likewiſe tranſcribe and certify the Records of ſuch Cauſes in that Court into the *Exchequer*, if the Cauſe or Action were by *Bill*: If by *Original*, the Lord Chief Juſtice certifies the Record into the *Houſe of Peers* in Parliament, by taking the Tranſcript from the *Clerk of the Errors*, and delivering it to the *Lord Keeper*, there to be determined, according to the Statutes 27 *El.* 8. and 31 *El.* 1. The *Clerk of the Errors in the Exchequer* does tranſcribe the Records, certified thither out of the *King's Bench*, and prepares them for Judgment in the Court of *Exchequer*, to be given by the Juſtices of the *Common Pleas*, and Barons there. See 16 *Car.* 2. *cap.* 2. and 20 *Ejuſdem*, *cap.* 4.

Clerk of Eſſoins (*Clericus Eſſoniorum*) is an Officer belonging to the Court of *Common Pleas*, who keeps the *Eſſoin-Rolls*, and hath for every Execution to bar the *Eſſoin*, in Caſe where the Party hath omitted his Time, ſix Pence. He hath alſo the Providing of Parchment, and Cutting it out into Rolls, and Marking the Numbers upon them, and the Delivering out of all the Rolls to every Officer, the Receiving them again when they are written, and the Binding and Making up the whole Bundles of every Term; and this he doth as Servant to the Chief Juſtice. For the Chief Juſtice is at Charge for the Parchment of all the Rolls; for which he is allowed, as the Chief Juſtice of the *King's Bench*, beſides the Penny for the Seal of every Writ of Privilege and Outlawry, the ſeventh Penny taken for the Seal of every Writ under the Green Wax, or Petit Seal, in the Court of *King's Bench* and *Common Pleas* reſpectively, the ſaid Lord Chief Juſtices having annexed to their ſeveral Offices or Places, the Cuſtody of the ſaid Seals belonging to each Court.

Clerk of the Eſtreats (*Clericus Extractorum*) is a *Clerk* belonging to the *Exchequer*, who termly receives the *Eſtreats* out of the Lord Treaſurer's Remembrancer's Office, and writes them out to be levied for the King. He alſo makes Schedules of ſuch Sums *eſtreated*, as are to be diſcharged. See the *Practice of the Exchequer*, *pag.* 82.

Clerk of the Hamper, or Hanaper, (*Clericus Hanaperii*) is an Officer in *Chancery* (*Anno* 2 *E.* 4. *cap.* 1.) otherwiſe called *Warden of the Hamper*, in the ſame Statute, whoſe Function is to receive all the Money due to the King for the Seals of Charters, Patents, Commiſſions, and Writs; as alſo Fees due to the Officers for enrolling and examining the ſame, with ſuch like. He is tied to Attendance on the Lord Chancellor, or Lord Keeper daily in the Term-Time, and at all Times of ſealing, having with him leather Bags, wherein are put all Charters, *&c.* after they are ſealed; thoſe Bags, being ſealed up with the Lord Chancellor's private Seal, are delivered to the Controller of the *Hamper*, who upon Receipt of them, doth, as you ſhall read in his Office. This *Hanaper* repreſents a Shadow of that which the *Romans* termed *Fiſcum*, which contained the Emperor's Treaſure.

The *Exchequer* was anciently ſo called, becauſe *in eo reconderentur* Hanapi *& ſcutræ cæteraque vaſa quæ in cenſum & tributum perſolvi ſolebant*; thus we read in the *Monſt.* 1 *Tom.* pag. 943. *Rex, &c. Cum de gratia noſtra ſpeciali & pro quodam fine, &c. ſolut. &c. in* Hanaperio *noſtro conceſſerimus*: Or it may be ſo called, becauſe the yearly Tribute which Princes received, was in *Hampers* or large Veſſels full of Money.

Clerk of the Juries or Jurata-Writs, (*Clericus Juratorum*) is an Officer belonging to the Court of *Common Pleas*, who makes up the *Writs* call'd *Habeas Corpora* and *Diſtringas*, for Appearance of *Juries*, either in Court, or at the Aſſiſes, after the *Jury* or Panel is returned upon the *Venire facias*. He enters alſo into the Rolls the Awarding of theſe *Writs*, and makes all the Continuances from the going out of the *Habeas Corpora*, until the Verdict be given.

Clerk Comptroller of the King's Houſe, whereof there are two, is an Officer in the Court that hath Authority to allow or diſallow the Charges and Demands of Purſuivants, Meſſengers of the *Green-Cloth*, or other like. He hath alſo the Overſight and Controlling of all Defects and Miſcarriages of any the inferior Officers, and to ſit in the *Counting-Houſe* with the ſuperior Officers, *viz.* The Lord Steward, Mr. Treaſurer, *Controller*, and Cofferer, either for correcting, or

or bettering Things out of Order. This Officer is mentioned *Anno* 33 *H.* 8. *c.* 12.

Clerk Marshal of the King's House seems to be an Officer that attends the *Marshal* in his Court, and records all his Proceedings. *Anno* 33 *H.* 8. *c.* 12.

Clerk of the King's Silver, (*Clericus Argenti Regis*) is an Officer belonging to the Court of *Common Pleas*, to whom every Fine is brought, after it hath been with the *Custos Brevium*, and by whom the Effect of the Writ of Covenant is entred into a Paper-Book; and, according to that Note, all the Fines of that Term are also recorded in the Rolls of the Court. And his Entry is in this Form: He puts the Shire in the Margin, and then saith, *A. B. dat. Domino Regi dimidiam marcam* (or more according to the Value,) *pro licentia concordandi cum C. D. pro talibus terris, in tali villa, & habet chirographum per pacem admissum, &c.*

Clerk of the King's Great Wardrobe (*Clericus Magnæ Garderobæ Regis*) is an Officer of the King's House, that keeps an Accompt or Inventory in Writing, of all Things belonging to the *King's Wardrobe*. Mention'd *Anno* 1 *Ed.* 4. *cap.* 1.

Clerk of the Market (*Clericus Mercati Hospitii Regis*) is an Officer of the King's House, (*Anno* 1 *Ed.* 4. *cap.* 1. and *Anno* 13 *Rich.* 2. *cap.* 4). whose Duty is to take Charge of the King's Measures, and to keep the Standards of them, that is, the Examples of all the Measures that ought to be thro' the Land: As of Ells, Yards, Lagens, Quarts, Pottles, Gallons, *&c.* Of Weights, Bushels, and such like; and to see that all Measures in every Place be answerable to the said Standard. *Fleta*, *lib.* 2. *cap.* 8, 9, 10, 11, 12. Of which Office, as also of our Diversity of Weights and Measures, you may there find a Treatise worth the Reading. *Briton* also, in his 30 *Chap.* saith in the King's Person, to this Effect: *We will that none have Measures in the Realm, but we our selves; but that every Man take his Measures and Weights from our Standards.* And so goes on with a Tractate of this Matter, that well shews the ancient Law and Practice in this Point. Touching this Officer's Duty, you have also good Statutes, *An.* 13 *R.* 2. *c.* 4. and *an.* 17 *Car.* 2. *cap.* 19. See 4 *Inst. f.* 273.

Clerk of the Nichils or Nihils (*Clericus Nihilorum*) is an Officer in the *Exchequer*, who makes a Roll of all such Sums as are *nihiled* by the Sheriffs upon their Estreats of *Green-Wax*, and delivers the same into the Lord Treasurer's Remembrancer's Office, to have Execution done upon it for the King. See the Stat. 5 *R.* 2. *cap.* 13. *Stat.* 1. and *Practice of the Exchequer*, *pag.* 101. See *Nihil.*

Clerk of the Ordinance is an Officer in the *Tower*, who registers all Orders touching the King's *Ordnance.*

Clerk of the Outlawries (*Clericus Utlagariarum*) is an Officer belonging to the Court of *Common Pleas*, being only the Servant or Deputy to the King's Attorney General, for making out Writs of *Capias Utlagatum*, after *Outlawry*; the King's Attorney's Name being to every one of those Writs. And whereas seven Pence is paid for the Seal of every other Writ, betwixt Party and Party, there is but a Penny paid for the Seal of this Writ, because it goes out at the King's Suit.

Clerk of the Paper-Office is an Officer in the *King's Bench.*

Clerk of the Parcels is an Officer in the *Exchequer.*

Clerk of the Parliament-Rolls (*Clericus Rotulorum Parliamenti*) is he that records all Things done in the High Court of Parliament, and engrosseth them fairly in *Parchment-Rolls*, for their better Preservation to Posterity. Of these there are two, one of the *Lords House*, another of the *House of Commons. Cromp. Jurisd. f.* 4 & 1 *Smith de Rep. Angl. pag.* 38. See also *Vowel's* Book, touching the Order of the *Parliament.* See *Fleta*, *lib.* 2. *c.* 12. *p.* 31.

Clerk of the Patents, or of the Letters Patent under the Great of *England*, was erected 18 *Jac.*

Clerk of the Peace (*Clericus Pacis*) is an Officer belonging to the Sessions of the Peace. His Duty is, in the Sessions, to read the Indictments, to enrol the Acts, and draw the Process: To record the Proclamation of Rates for Servants Wages, to enrol the Discharge of Apprentices, to keep the Counterpart of the Indenture of Armour, to keep the Register-Book of Licences, given to Badgers and Laders of Corn, and of those that are licenced to shoot in Guns, and to certify into the *King's Bench*, Transcripts of Indictments, Outlawries, Attainders, and Convictions had before the Justices of the Peace, within the Time limited by Statute. *Lambard's Eiren. lib.* 4. *cap.* 3. *fol.* 379.

Clerk of the Pell (*Clericus Pellis*) is a *Clerk* belonging to the *Exchequer*, whose Office is to enter every *Teller's Bill* into a Parchment-Roll, (called *Pellis Receptorum*) and also to make another Roll of Payments, which is called *Pellis Exituum*, wherein he sets down by what Warrant the Money was paid: Mentioned in the *Statute* 22 & 23 *Car.* 2. for *Subsidy.* This Officer is called in ancient Records *Clericus Domini Thesaurarii.*

Clerk of the Pettibag (*Clericus Parvæ bagæ*) is an Officer of the *Chancery*, of which Sort there are three, and the Master of the *Rolls* their Chief. Their Office is to record the Return of all Inquisitions out of every Shire; to make all Patents of Customers, Gaugers, Controllers, and Aulnegers; all *Conge d'Eslires* for Bishops; all *Liberate's* upon Extents of Statute-Staples; the Recovery of Recognizances forfeited; and all *Elegits* upon them; the Summons of the Nobility, Clergy, and Burgesses to the Parliament; Commissions directed to the Knights, and others of every Shire, for assessing Subsidies; Writs for the Nomination of Collectors for Taxes; and all Traverses upon any Office, Bill, or otherwise; to receive the Fees for Homages due to the Lord Great Chamberlain, of the Nobility, Bishops, *&c.* This Officer is mentioned 33 *Hen.* 8. *cap.* 22.

Clerk of the Pipe (*Clericus Pipæ*) is an Officer in the *Exchequer*, who, having all Accompts and Debts due to the King, delivered and drawn out of the Remembrancers Offices, charges them down into the great Roll; and is called *Clerk of the Pipe*, from the Shape of that Roll, which is put together like a *Pipe*; formerly he was called, *Ingrossator magni Rotuli*, *Contrarotulator* Pipæ, *duplex ingrossator*, and now *Clerk of the Pipe*; he also writes Summons to the Sheriff, to levy the said Debts upon the Goods and Chattels of the Debtors; and if

if they have no Goods, then he draws them down to the Lord Treaſurer's Remembrancer, to write Eſtreats againſt their Lands. The ancient Revenue of the Crown remains in charge before him, and he ſees the ſame anſwered by the Farmers and Sheriffs. He makes a Charge to all Sheriffs of their Summons of the *Pipe* and Green Wax, and ſees it anſwered upon their Accompts. He hath the drawing and ingroſſing all Leaſes of the King's Land. In *Henry* the Sixth's Time, he was called *Ingroſſator Magni Rotuli.*

Clerk of the Pleas (*Clericus Placitorum*) is an Officer in the *Exchequer*, in whoſe Office all the Officers of the Court (upon eſpecial Privilege belonging unto them,) ought to ſue, or to be ſued upon any Action, &c. See the *Practice of the Exchequer, p.* 86. and 4 *Inſt. f.* 107.

Clerk of the Privy Seal (*Clericus Privati Sigilli*) There are four of theſe Officers that attend the Lord *Privy Seal*, or (if none ſuch) the Principal Secretary, writing and making out all Things that are ſent by Warrant from the Signet to the *Privy Seal*, and are to be paſſed to the *Great Seal*; as alſo to make out (as they are termed) *Privy Seals* upon any ſpecial Occaſion of his Majeſty's Affairs; as for Loan of Money, and ſuch like. Of this Officer and his Function, you may read the Statute 27 *H.* 8. *c.* 11. He that now is call'd the *Lord Privy Seal*, ſeems in ancient Time to have been called *Clerk of the Privy Seal*, and to have been reckon'd, notwithſtanding, in the Number of the great Officers of the Realm. Read the Statute 12 *R.* 2. *c.* 11.

Clerk of the Rules, mention'd 22 & 23. *Car.* 2. is an Officer in the Court of *King's Bench.*

Clerk of the Sewers (*Clericus Suerarum*) is an Officer appertaining to the Commiſſioners of *Sewers*, writing all Things that they do by Virtue of the Commiſſion, for which ſee *Sewers*: And ſee the Statute of 13 *Eliz. cap.* 9.

Clerk of the Signet (*Clericus Signeti*) is an Officer attendant continually on his Majeſty's principal Secretary, who always hath the Cuſtody of the *Privy Signet*, as well for ſealing his Majeſty's private Letters, as alſo ſuch Grants as paſs his Majeſty's Hand by Bill ſigned. Of theſe there are four that attend in their Courſe, and have their Diet at the Secretary's Table. More largely you may read of their Office in the Statute made *Anno* 27 *H.* 8. *ca.* 11.

Clerk of the Superſedeas is an Officer belonging to the Court of *Common Pleas*, who makes out the Writ of *Superſedeas*, (upon the Defendant's appearing to the *Exigent*,) whereby the Sheriff is forbidden to return the *Exigent.*

Clerk of the Treaſury (*Clericus Theſaurarii*) is an Officer belonging to the *Common Pleas*, who hath the Charge of keeping the Records of the Court, and makes out all the Records of *Niſi Prius*, hath the Fees due for all Searches, and hath the certifying all Records into the *King's Bench*, when a Writ of Error is brought: Alſo he makes all Exemplifications of Records being in the Treaſury. He is taken to be the Servant of the Chief Juſtice, and removeable at his Pleaſure, whereas all other Officers are for Term of Life. There is alſo a Secondary or Under-Clerk of the *Treaſury* for Aſſiſtant, who hath ſome Allowances. And likewiſe an Under-Keeper, who always keeps one Key of the *Treaſury-Door*, and the chief *Clerk* of the Secondary another; ſo as the one cannot come in without the other.

Clerk of the Warrants (*Clericus Warrantorum*) is an Officer belonging to the Court of *Common Pleas*, who entreth all *Warrants* of Attorney for Plaintiff and Defendant, and inrols all Deeds of Indentures of Bargain and Sale, which are acknowledged in the Court, or before any Judges out of the Court. And he eſtreats into the *Exchequer* all Iſſues, Fines, and Amerciaments, which any way grow due to the King in that Court, and hath a ſtanding Fee of ten Pounds of the King, for making the ſame Eſtreats. See *Fitz. Nat. Br. f.* 76.

Cleronimus, *i. e.* An Heir: In the *Monaſticon*, 3 *Tom. pag.* 129. we read, That K. *Edgar* gave another a certain Portion of Land for Life, with Liberty, that *Poſt vitæ ſuæ terminum quibuſcunq*; Cleronymis *impune derelinquat.*

Cletæ, (Fr. *Clays*) Hurdles to fold or keep Sheep in. *Tenentes de Hampton debent quærere ſex ſummas virgarum apud Boſcum de Haya juxta Heref. ad* cletas *nundinarum faciendas.* Lib. Niger. Heref. fol. 61.

Clevum, *Glouceſter.*

Clitones, Not only the Eldeſt, but all the Sons of Kings; we meet with it often in old Authors, *viz.* In the Charter of King *Æthelred*, *in Matt. Pariſ. p.* 158. *Ethelſtanus Ecbryth, &c. cum* clitonibus *Epitheto ſubſcribunt*: So in Mr. *Selden*'s Notes upon *Eadmerus*, *Ego Edgar, &c. Ego Edmund* Clito *Legitimus præfati Regis, &c.*

Clive, Cliff, The Names of Places beginning or ending with *Clive* or *Cliff*, ſignify a Rock, from the Sax. *Clif, Rupes.*

Clod-Salt, At *Droitwich*, *Nantwich*, &c. in their boyling or walling of *Salt*, once in twenty-four Hours, they take out a Cake, which ſticks to the Bottom of a Pan. This they call *Clod-Salt*; which if not taken timely out, would cauſe the *Salt* to melt. This *Clod-Salt* is the ſtrongeſt of all, and is therefore commonly uſed to *ſalt* Bacon or Neat-Tongues; and the Women of thoſe Parts put it into their Runnet-Pots, as the beſt Preſervative of good Cheeſe.

Cloere, A Priſoner, or Dungeon; I believe of ſome *Britiſh* Original, which might give Name to the old *Latin Cloeria*, which *Du Freſne* unaptly conjectures to have been a Corruption of *Clauſeria*, a cloſe Place of Reſtraint. The Dungeon, or inner Priſon in *Wallingford-Caſtle*, *temp. H.* II. was called *Cloere-Brien*, i. e. *Carcer Brieni*, *Fil. Com. Domini de Wallingford.* Hence ſeems to come the *Lat. Cloaca*, which was originally the cloſeſt Ward, the naſtieſt Part of a Priſon. The old *Cloacarius* is interpreted in a MS. Gloſſary, *Carceris Cuſtos.* The preſent *Cloacarius*, or Keeper of a Jakes, is an Office in ſome Religious Houſes, impoſed on an offending Brother, or voluntarily choſen by him as an Exerciſe of Humility and Mortification; and in ſome of our *Engliſh* Convents beyond the Seas, this ſweet Officer is call'd *Count of Holt.*

Cloish, Is an unlawful Game, forbidden by the Statute, made in the 17th Year of *E.* 4. *cap.* 3. and is inhibited alſo by the Statute of 33 *H.* 8. *c.* 9. But there it is more properly called *Claſh*; for it is the throwing of a Bowl at nine Pins of Wood, or nine Shank-Bones of an Ox or Horſe; and it is now ordinarily called *Kailes*, or *Nine-Pins. Termes de la Ley.*

Cloth of Rag. *Anno* 27 *E.* 3. *Stat.* 1. *c.* 4.

Clove, Is the two and thirtieth Part of a Weigh of Cheeſe, that is, eight Pounds. 9 *H.* 6. *cap.* 8.

Cloves,

Cloves, *Caryophylli*, are a Spice known by Sight to every Man; they are Flowers of a Tree gathered and hardned by the Sun: Of their Nature, you may read in *Gerard's Herbal*, *lib.* 3. *cap.* 144. This is compriſed among ſuch Spices as are to be garbled. 1 *Jac.* 19.

Clough, A Valey, *Domeſday-Book.*

Cloveſhoe. See *Abingdon.*

Clown. See *Colonus.*

Clunch, *Blew Clunch.* At *Wednesbury* in *Staffordſhire*, upon ſinking a Coal-pit, near the Surface, they met firſt with Earth and Stone, then with a Subſtance called *Blew Clunch*, and thirdly with Coal.

Cluta, Fr. *Clous*, Shoes, Clouted-ſhoes: Moſt commonly Horſe-ſhoes, and the Streakes of Iron with which Cart-wheels are ſhod. —— *In uno pari rotarum computo ii. ſol. ii. denar. in eodem ferro ligando v. ſol. iv. denar. in axibus emptis iv. den. in* clutis, *& clavis ad idem emptis, iv. den. ob.* —— Conſuetud. domus de Farendon. MS. f. 16. Hence *Clutarium.*

Clutarium, *Cluarium*, a Forge, or Smithy, or Smith's Shop, where the *Clous*, or Iron-ſhoes are made, or applied. *Tenuit duas carucatas terræ de Domino Rege, in capite per tale ſervitium deferendo palefridum Domini Regis ſuper quatuor pedes de* cluario *Domino Regis quotieſcunque ad manerium ſuum de* Maunsfield *venerit, & ſi inclaudet* (if he lame) *palefridum Domini Regis dabit ei palefridum quatuor marcarum.* Mon. Angl. Tom. 2. p. 598.

Clypeus, One of a noble Family, *Clypei proſtrati*: A noble Family extinct: *Sic nobilis* clypeus *ille Mareſcallorum tot & tantis hoſtibus Angliæ formidabilis evanuit.* Matt. Pariſ. 463. And *Matt. Weſtm.* ſpeaking of the Family of *Pembroke* being extinct.

Cnipulus. *Knipulus, Knipus, Knivus*, A Knife. —— Thomas Matyr *tam Cancellarium ſuum quam Notarios cunctos Sacramento conſtrinxit, quod valens* Cnipulum Anglicum *propter Literas a Nemine reciperent.* Giral. Cambrenſ. apud Wartoni Angl. Sacr. P. p. 625.

Coca, *Coquia*, A Cogge or Boat. Vid. *Coggle.*

Coccum, *Ribcheſter* in *Lancaſhire.*

Cocherings, An Exaction or Tribute in *Ireland*; now reduced to chief Rents. See *Bonaght.*

Cocket or Coket, (*Cockettum,*) is a Seal belonging to the King's Cuſtom-Houſe. *Reg. of Writs, fol.* 192. *a.* Alſo a Scroll of Parchment ſealed and delivered by the Officers of the Cuſtom-houſe to Merchants, as a Warrant that their Merchandizes are cuſtomed. *An.* 11 *H.* 6. *cap.* 16. Which Parchment is otherwiſe called *Literæ de Coketto*, or *Literæ teſtimoniales de Cocketto.* Reg. f. 179. a. So is the Word uſed. *An.* 5 *&* 6 *E.* 6. *c.* 14. And 14 *E.* 3. *Stat.* 1. *c.* 21. None ſhall make Wools to be Cocketted, but in the Name of him to whom the Wools be. Anno 13 R. 2. c. 9. *Inquiſitio & Placitum contra quoſdam qui lanas non* Cockettatas *cuſtumatas extra regnum duxerunt.* Inter Recorda de Reg. Scacc. Mich. 25 E. 3. *Et Ballivi ſui capiant ad Caput pontis de* Berewyk *omnes homines venientes cum lanis, coreis vel pellibus vendendis ſine ligno quod vocatur* Coket. Pla. Parl. 21 Ed. 1.

Cocket is uſed for a Sort of Meaſure, as we may ſee in *Fleta. Lib.* 2. *cap.* 9. *Panis vero integer quadrantalis frumenti ponderabit unum* Coket *& dimidium:* It is alſo uſed for a Diſtinction of Bread in the Statute of Bread and Ale, made 51 *Hen.* 3. The Words are, When a Quarter of Wheat is ſold for xii d. the Waſtel-Bread of a Farthing ſhall weigh vi l. and xvi s. but Bread-Coket of a Farthing, of the ſame Corn and Bultel, ſhall weigh more than Waſtel by ii s. And Coket-Bread made of Corn of lower Price, ſhall weigh more than Waſtel by v s. Bread made into a Simnel, ſhall weigh ii s. leſs than Waſtel: Bread made of the whole Wheat, ſhall weigh a Cocket and a half; ſo that a Coket ſhall weigh more than a Waſtel by v s. Bread of Treet ſhall weigh two Waſtels; and Bread of common Wheat ſhall weigh two great Cokets. When a Quarter of Wheat is ſold for xviii d. then Waſtel-Bread of a Farthing, White and well baked, ſhall weigh iv l. x s. When for ii s. iii l. viii s. *&c.* By which we may perceive that *Waſtel-Bread* was the fineſt, *Cocket-Bread* next, then Bread of Treet, and laſtly, Bread of Common Wheat; as we now call the fineſt Bread, Wheaten, or *French* Bread, the ſecond Sort white Bread, the third Brown, or Houſhold Bread, *&c.* In *Oxford* anciently they had a coarſe Bread called *Tuteſtyn, hoc eſt, Panem ſurfuraceum vel atrum.* Hiſt. Oxon. f. 158. *b.*

Cocket-bread, *Cocket.* —— *Quando quarterium frumenti venditur pro xii. denariis, tunc panes quadrantes de waſtello ponderabunt vi. libras, & xvi. ſol. Panis autem de* coket, *de eodem blado & eodem bultello ponderabit plus waſtello ii. ſol. & de blado minoris pretii ponderabit plus waſtello v. ſol. Panis de Symenel ponderabit minus waſtello ii. ſol. Panis integer de frumento de quadrante ponderabit* coket *& dimidium Panis de Treyt ponderabit ii. waſtellos, & panis de omni blado ponderabit ii.* cokettes. Conſuetud. domus de Farendon, MS. f. 42. I believe *Cocket-bread* or *Cocket*, was only hard Sea-bisket; either ſo call'd, becauſe *cocketted* or mark'd with a peculiar Stamp or *Cocket*: Or alſo becauſe made for the Uſe of the *Cock-ſwains* or Seamen. This is but my conjecture: For no Author has yet hit upon the Senſe of the Word, or Derivation of it.

Cockettum, *Cockett, Cocketum.* The Cuſtom-Houſe or Office, where Goods to be tranſported, were firſt entred, and paid their Cuſtom, and had a *Cocket* or Certificate of Diſcharge. —— Rolandus Trentaceſt *ad cuſtodiam* cocketti, *ad novum Caſtrum ſuper Tynam per ſocietatem* Lucanicam *deputatur, poſtquam lanæ & pelles per præceptum Regis fuerunt arreſtatæ, & transfretatio earum inhibita.* Mem. in Scacear. 23 Ed. 1. *by Sir John Maynard.*

Cockettata Lana, Wool duly entred and *cocketted*, or authorized to be tranſported. —— *Mandatum quod lanæ non* cockettatæ, *vel non* cuſtumatæ *ſub forisfactura capiantur.* Fin. 16 E. 3. m. 37.

Cocketz, *i. e.* The meaneſt Sort of Men, corruptly for *Cotſetts*, that is, Cottagers: *Villani vero vel* Coeſeti, *vel perdingi, vel qui ſunt viles vel inopes perſonæ, non ſunt inter legum judices numerandi.* Leges H. 1. c. 29.

Cocodones was a Sort of *French* Money, very bad: *Prohibita eſt moneta alienigenarum ſurreptitia & illegitima quam polardos,* Cocodones *& Roſarios appellabant, qui paulatim & latenter loco irrepſerunt Sterlingorum.* Walſingham in Ed. 1. 1300. See *Pollards.*

Cocſetus. A *Cock-ſwain*, Coxon, Boat-man, or Seaman. Vid. *Coggle.*

Cocula, *Coculum*, A Cogue, or little Drinking-cup, in Form of a ſmall Boat, uſed eſpecially at Sea; and ſtill retained in a Cogue of Brandy.

Codicil, (*Codicillus*,) A Schedule or Supplement to a Will, or ſome other Writing: Some Writers, conferring a Teſtament and a *Codicil* together, call a Teſtament a great Will, and a *Codicil* a little one; and compare a Teſtament to a Ship, and the *Codicil* to the Boat tied to it.

Codicil is uſed as an Addition annexed to a Teſtament, when any Thing is omitted, which the Teſtator would add, explain, alter or retract; and is the ſame with a Teſtament, but that it is without an Executor. See *Swinb. p.* 1. *ſect.* 1. and *Touchſtone of Wills, pag.* 21, 22.

Coffee, Mentioned 15 *Car.* 2. *cap.* 11. A Kind of Drink, originally uſed among the *Turks* and *Perſians*, and from them brought to us: It is thick, blackiſh and bitter, made from Berries of that Nature and Name, and now agreeably in Uſe as a wholſome Liquor.

Cofez, *Cottages.* See *Domeſday-Book*, thus interpreted by Mr. *Agar.*

Cofferer of the King's Houſhold, Is a principal Officer of his Majeſty's Court, next under the Controller, that in the Counting-Houſe, and elſewhere at other Times hath a ſpecial Charge and Overſight of other Officers of the Houſe, for their good Demeanor, and Carriage in their Offices, to all which he pays their Wages. He is made mention of 39 *El. cap.* 7.

Cofra, A Coffer, Cheſt, or Trunk. ——— *Cuſtos Collegii & domus eleemoſynariæ de* Pontefracto, *& Miniſtri ejuſdem non ſunt dotati quacunque dote temporali ſeu ſpirituali, vivente fundatore ejuſdem. Sed fuerunt Stipendiarii capientes certam ſummam pecuniæ de* Cofris *dicti Fundatoris.* Munimenta Hoſpit. SS. Trin. de Pontefracto, MS. f. 50.

Coggle. Upon ſome of the Sea-coaſts in *Yorkſhire*, a ſmall Fiſhing-Boat is called a *Coggle, i. e.* a little *Cogge*; and in ſome Places by Corruption a *Cobble.* From the old Teuton, *Kogge*, a Ship: Whence the Lat. *Coggo, Cogga, &c. Anno* 1066. *Venit ad hoc in* Angliam (*Rex* Noricorum) *trecentis* Coggonibus *advectus. Mat. Weſt. ſub ann. Præparatis* cogonibus, *galleis & aliis navibus onerariis* ——— 600 *naves*, & 24 coggas *bene præparatas. Mat. Par. ſub ann.* 1218. Hence our old Sax. *Cockede*, a Seaman; called in the Laws of King *H.* 1. *c.* 29. *Cocſeti*, and *cap.* 81. *Cothſeti.* The old Gloſſary to theſe Laws, made in the Reign of *Edward* III. interprets *Cocſade*, by *Cocarius*, which *Du Freſne* ſeems to miſunderſtand for *Coquus*, a Cook: Whereas *Cocarius* is indeed a Coker, or Boat-man, from *Coca, Coquia*, a Boat: As with little Variation, a *Coggeſuane*, a Cock-ſwain, now a *Coggeſon*, or *Coxon*, is an Officer in a Ship. Hence the old Lat. *Cogcio, Coccio*, a wandring and begging Seaman; which Sir *Henry Spelman* (who rarely trifles) believes to have been ſo called, from the Greek κωκύω *Lugeo, Ploro.* But the true Name and Original was *Cogciones*, Cog-men, or Boat-men, who after Shipwreck or Loſſes by Sea, travelled about to defraud the People, by begging and ſtealing, till they were reſtrained by many civil and good Laws. ——— *ut iſti Mangones* & Cogciones, *qui ſine omni lege vagabundi vadunt per iſtam terram, non ſinantur vagari, & deceptiones hominibus agere.* Vide *Spelm. in voce, & Du Freſne.*

Coggleſhall in *Eſſex.* See *Anſa.*

Cognatione. See *Coſinage.*

Cogniſor or Conuſor, Is he that paſſeth or acknowledgeth a Fine of Lands or Tenements to another. *Cogniſee* or *Conuſee*, is he to whom the Fine is acknowledged. *Weſt. Symb. part.* 2. Tit. *Fines. ſect.* 2. 32 *H.* 8. 5.

Cogniſance, Id eſt, *Intelligentia, Cognitio*, with us is uſed diverſly; ſometimes ſignifying a Badge on a Waterman or Serving-man's Sleeve, which is commonly the Giver's, whereby he is diſcerned to belong to this or that Maſter. Sometimes an Acknowledgment of a Fine, or Confeſſion of a Thing done, as *Cognoſcens latro. Bract. lib.* 3. *tract.* 2. *cap.* 3. 20. 32. *Cognoſcere ſe ad Villanum.* Id. lib. 4. tract. 3. cap. 16. As alſo to make *Cogniſance* of taking a Diſtreſs: Sometimes as an Audience or Hearing of a Matter judicially, as to take *Cogniſance.* Sometimes a Power or Juriſdiction, as *Cogniſance* of Pleas is an Ability to call a Cauſe or Plea out of another Court, which no Man can do but the King, except he can ſhew Charters for it: For ſuch *Cogniſance* lies not in Preſcription. *Manwood, cap.* 3. *num.* 2. See the Terms of the Law, and New Book of Entries, *verb. Conuſance.*

Cognitiones, Enſigns, Arms, or rather a military Coat painted with Arms: *Cum viderunt hoſtes Chriſti armis, vexillis* & cognitionibus *picturatis, &c.* Mat. Pariſ. 1250.

Cognitionibus mittendis, Is a Writ to a Juſtice, or other that hath Power to take a Fine, who having taken Acknowledgment thereof, deferreth to certify it into the Court of *Common Pleas*, commanding him to certify it. *Reg. Orig.* 68. *b.*

Cogs, (*Cogones*) ſeems to be a Kind of Veſſel or Boat, upon the River *Ouſe* and *Humber*, mentioned in the Stat. 23 *H.* 8. *c.* 18. Alſo a ſmall Ship; for I find in *Matth. Weſtm. An. Dom.* 1066. ——— *Venit ad hoc in Angliam* (Rex Noricorum) *trecentis* Coggonibus *advectus.* About *Scarborough* they have ſtill a Sort of ſmall Veſſels, which they call *Coggles*, the little *Cogs.*

Cogware, Seems to be a Sort of courſe Clothes made in the North of *England*, mentioned in the Stat. 13 *R.* 2. *cap.* 10. where there is Mention alſo of *Cogmen*, that is, Buyers of, Makers or Dealers in ſuch *Cogware.*

Cohua is a promiſcuous Multitude of Men in a Market or Fair, and *Cohuagium* is a Tribute paid by thoſe who meet there: *Quieti ab omni Theloneo, paſſagio, Pontagio*, Cohuagio, *pallagio, &c.* Du Cange.

Coif, (*Coifa*, Fr. *Coiffe*,) Our Serjeants at Law are otherwiſe called *Serjeants of the Coif*; from the *Lawn Coif* they wear on their Heads, under their Cap, when they are created, and always after. See *Serjeant*, and *Matt. Paris* in *an.* 1259. and *Forteſcue de LL. Angliæ, cap.* 50.

The Uſe of it was to cover *tonſuram Clericalem*; otherwiſe called *Corona Clericalis*, becauſe the Crown of the Head was cloſe ſhaved, and a Border of Hair left round the lower Part, which made it to look like a Crown. See *Tena.*

Coin, *Cuneus, vel cuna*, Seems to come from the French *Coigne, Angulus*, a Corner; which probably verifieth the Opinion of ſuch as hold the ancienteſt Sort of *Coin* to be cornered, and not round; of this Lawyers Subſtantive *Cuna*, comes their Verb *Cunare*, to *Coin. Cromp. Juſt. of Peace, fol.* 220.

Coinage, (*Cunagium*) Beſides the general Signification, relating to Money, it is by a Law provided, That all the Tin in *Cornwall*, after it is caſt and wrought, ſhall be weighed and marked by the King's Officer, with a Lion Rampant, which is called *Coinage. Briton, f.* 186. and *anno* 11 *H.* 7. *cap.* 4 Some Authors write it *Cunage.*

Cointeſes are Garments made of Silk or fine Linen: *Mille enim milits & amplius, veſtiti ſerico ut vulgariter loquamur* Cointeſes, *in nuptiis ex parte Regis apparuerunt.* Matt. Pariſ. 1252.

Coket. See *Cocket.*

Cokettatio. The *Cocketting* or taking Account of Goods to be tranſported, in order to receive the due Cuſtom, and give the Ticket of Diſcharge. ——*Ordinatio de* cokettatione *lanarum facta.* Clauſ. 33 Ed. 3. m. 37.

Colbroke. See *Pontes.*

Colcheſter. See *Colonia.*

Coliander-ſeed, or rather *Coriander-ſeed, Semen Coriandri,* Is the Seed of an Herb ſo called, medicinable and wholſome for divers good Purpoſes; which ſee in *Gerard*'s Herbal, *lib.* 2. *ca.* 379. It is numbered among the Drugs that are to be garbled. *An.* 1 *Jac. c.* 19.

Colibertus, *Collibertus, Con-libertus.* Theſe *Coliberts* in Civil Law were only thoſe Freemen, who at the ſame Time had been manumiſed by their Lord or Patron. But the Condition of a *Colibert* in *Engliſh* Tenure, was (as Sir *Edward Coke* aſſerts) the ſame with a *Soke-man*, or one who held in free Soccage; but yet was obliged to do cuſtomary Services for the Lord. The Word occurs in *Domeſday*; though I think no Gloſſographer has cited it from thence. ——*Lib Domeſday.* Somerſet. ——*Epiſcopus* Winton *tenet* Fantone, *ibi quater xx. villani, & quater xxii. bordarii, & lxx. ſervi, & xvi.* Coliberti, *& xviii. Porcarii.*—— So again, *Glou eſtreſcire:* —— Brictric, *filius* Algari *tenebat* Turnebiri *T. R. E. ibi xxiii. Bordarii, & xv. Servi, & iv.* Coliberti, *ibi ii. molendini, &c.*—They were certainly a middle Sort of Tenants, between ſervile and free, or ſuch as held their Freedom of Tenure under Condition of ſuch Works and Services; and were therefore the ſame Land-holders, whom we meet under the Name of *Conditionales.*

Libertate carens Colibertus *dicitur eſſe.* Du Freſne.

It ſeems alſo to be the ſame with *Colonus*, which ſee.

Collateral, *Collateralis*, Cometh of the Lat. *Laterale*, that which hangeth by the Side: And in the legal Senſe it differs not from the ſame Acceptation; for *Collateral* Aſſurance, is that which is made over and beſide the Deed it ſelf. For Example, If a Man covenants with another, and enters into Bond for the Performance of his Covenant, the Bond is termed *Collateral Aſſurance*; becauſe it is external, and without the Nature and Eſſence of the Covenant. And *Cromp. Jur. fol.* 185. ſaith, That to be ſubject to the Feeding of the King's Deer, is *Collateral* to the Soil within the Foreſt. In like Manner we ſay, That the Liberty to pitch Booths, or Standings for a Fair in another Man's Ground, is *Collateral* to the Ground. The private Woods of a common Perſon within a Foreſt, may not be cut without the King's Licence; for it is a Prerogative *Collateral* to the Soil. *Manwood's Foreſt Laws, c.* 8. *num.* 2.

Collateral Warranty. See *Warranty.*

Collation of Benefice, *Collatio Beneficii*, Signifies properly the Beſtowing of a *Benefice* by the Biſhop that hath it in his own Gift or Patronage, and differeth from Inſtitution in this, that Inſtitution into a *Benefice*, is performed by the Biſhop, at the Motion or Preſentation of another who is Patron of the ſame, or hath the Patron's Right for the Time; yet is *Collation* uſed for Preſentation. 25 *E.* 3. *Stat.* 6. And there is a Writ in the *Regiſter*, 31. *b.* called *De* Collatione *facta uni poſt mortem alterius, &c.* directed to the Juſtices of the *Common Pleas*, commanding them to direct their Writ to the Biſhop, for the admitting a Clerk in the Place of another, preſented by the King, who died during the Suit between the King and the Biſhop's Clerk; for Judgment once paſſed for the King's Clerk, and he dying before he be admitted, the King may give his Preſentation to another.

Collation of Seals. This was, when upon the ſame appending Ribbon, or Thread, or Label, one *Seal* was ſet on the Back, or reverſe of the other. ——*Ad majorem ſecuritatem præmiſſorum Sigillum diſcreti viri Officialis Domini* Batho-Well. *Epiſcopi filo medio per modum* Collationis, *Sigillo meo apponi procuravi.* Cartular. Abbat. Glaſton. MS. fol. 105. b.

Collatione facta uni poſt mortem alterius, Is a Writ directed to the Juſtices of the *Common Pleas*, commanding them to direct their Writ to a Biſhop, for the admitting a Clerk in the Place of another preſented by the King, who, during the Suit between the King and the Biſhop's Clerk is departed this Life. For Judgment once paſt for the King's Clerk, and he dying before Admittance, the King may beſtow his Preſentation to another. *Reg. of Writs, f.* 31. *b.*

Collatione Heremitagii, Is a Writ whereby the King conferreth the Keeping of an *Hermitage* upon a Clerk. *Reg. Orig. fol.* 303, 308.

Collegiat Church, A *Church* built and endowed for a Society, or Body Corporate of a Dean, or other Preſident and ſecular Prieſts, as Canons or Prebendaries in the ſaid *Church.* There were many of theſe Societies diſtinguiſhed from the Religious, or Regulars before the *Reformation.* And ſome are now eſtabliſhed, as *Weſtminſter, Windſor, Rippon, Wolverhampton, Southwell, Mancheſter, &c.*

Colleſord. See *Cilurum.*

Colluſion, *Colluſio*, Is in our Common Law, a deceitful Agreement, or Compact between two or more, for the one Party to bring an Action againſt the other to ſome evil Purpoſe, as to defraud a third of his Right, *&c.* See the *Terms of the Law, fol.* 142. and *Bro.* Tit. *Colluſion.* See alſo the Caſe of *Colluſion, Reg. Orig. f.* 179. *a. Weſt.* 2. *ca.* 32. and 8 *H.* 6. *ca.* 26. which gives the *Quale Jus*, and Inquiry in ſuch Caſes: Gifts made by *Colluſion.* See 50 *E.* 3. *c.* 6.

Colonia, *Colcheſter* in *Eſſex.*

Colonus, An Husbandman or Villager, who was bound to pay yearly a certain Tribute; or at certain Times in the Year to plough ſome Part of the Lord's Land, and from hence comes the Word *Clown:* He was called by the Saxons *Gebure*, and by the Dutch *Bowre.*

Colour, *Color*, Signifies in a legal Acceptation a probable Plea, but in Truth falſe, and hath this End, to draw the Trial of the Cauſe from the Jury to the Judges. As for Example, *A.* brings an Aſſiſe of Land againſt *B.* and *B.* ſaith, He himſelf did let the ſame Land to one *C.* for Term of Life, and afterwards did grant the Reverſion to *A.* the Demandant; and afterwards *C.* the Tenant for Term of Life died, after whoſe Deceaſe *A.* the Demandant claiming the Reverſion by Force of the Grant (whereto *C.* the Tenant did never attorn) entred, upon whom *B.* entred, againſt whom *A.* for that Entry brings this Aſſiſe, *&c.* This is a good *Colour*, becauſe the common People think the Land will paſs by the Grant without

without Attornment, where indeed it will not paſs, &c. Alſo in an Action of Treſpaſs, *Colour* muſt be given, of which there are an infinite Number; take this one for a Pattern of the Reſt. In an Action of Treſpaſs, for taking away the Plaintiff's Beaſts, the Defendant ſaith, That before the Plaintiff had any Thing in them, he himſelf was poſſeſſed of them as of his proper Goods, and delivered them to A. to deliver to him again, when, &c. and *A.* gave them to the Plaintiff, and the Plaintiff ſuppoſing the Property to be in *A.* at the Time of the Gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings an Action; that is a good *Colour* and a good Plea. See more hereof *Doctor and Student. lib.* 2. *cap.* 13. and *Broke*, Tit. *Color, in Aſſiſe, Treſpaſs, &c. fol.* 104.

Colour of Office, *Color Officii*, Is always taken in the worſt Part, and ſignifies an Act evilly done by the Countenance of an Office, and it bears a diſſembling Face of the Right of an Office, whereas the Office is but a Vail to the Falſhood; and the Thing is grounded upon Vice, and the Office is as a Shadow to it, it is but *Colore Officii*; when as *Virtute Officii*, by Virtute of the Office, is taken always in the beſt Part; and where the Office is the juſt Cauſe of the Thing, and the Thing is purſuing the Office. *Plowd.* in *Dive* and *Manningham's* Caſe, *f.* 64. *a.*

Colpare Arbores, To lop, or top Trees. —— *Poterant etiam* colpare, *& habere ramiliam*, (*i. e.* to lop, and to have the Lop, or Boughs cut off) *& omnia genera arborum quæ in eodem mariſco fuerant.* Contin. Hiſt. Croyland. p. 473.

Colpatura, *Colpatura*, *Colpatio*, Lopping, or Topping of Trees; a Treſpaſs with the Foreſt. — *Qui autem foriſfecerit in Foreſta Regis de viridi ſive per* colpaturam, *ſive per esbrumataram, ſive per foditionem turvarum, ſive per eſchoriationem moræ, ſive per* culpationem *ſub nemore, &c.* Aſſiſa de foreſtis temp. Rich. 1. Rog. Hoved. p. 784.

Colpicium. —— *Hæc charta chirographata teſtatur quod Dominus* Willielmus de Herle *dedit* —— R. Peny *ſervienti ſuo capitale meſſuagium de* B. *cum una carucata terræ, & paſtura ad octo boves infra boſcum de* W *ſalvis* colpiciis *infra boſcum prædictum factis & in poſterum faciendis, donec ad perfectionem pervenerint, quod ſe contra omnimoda animalia defendere poſſint.* —— I ſuppoſe by *Colpiciis* is meant Samplars, or young Poles, which being cut down, make Leavers or Lifters, in *Warwickſhire* called *Colpices* to this Day.

Colpo, A Cruſt, or rather a ſmall Wax-Candle, *a* Copo *de Cere*; *Hoveden* tells us, that when the King of *Scots* came to the *Engliſh* Court, as long as he ſtaid there, he had every Day, *De Liberatione triginta ſol. & duodecim Vaſſellos Dominicos, & quadraginta groſſos longos* Colpones *de dominica Candela Regis, & octoginta* Colpones *de alia Candela.* An. 1194.

Coltrops, *Coltraps*, an Inſtrument of three Iron Spikes, ſo contrived that when thrown out of Hand, one of the Spikes is always erect, invented to caſt in the Road, for galling the Enemies Horſe. They were uſed by the *Romans*, and called *Murices.*

Comatio, *i. e.* Cutting of the Hair: *Si quis Dominum ſuum occidat, ſi capiatur, nullo modo ſe redimat; ſed de ejus* Comatione, *&c. damnatur.* Leg. H. 1.

Combaronee, The Fellow-Barons, or Commonalty of the Cinque-Ports: King *Henry* III. grants to the Barons, or Freemen of the Port of *Feverſham*, —— *quietantiam de omni Theolonio, & conſuetudine* —— *ſicut ipſi & Anteceſſores ſui, &* Combarones *ſui de Quinque Portubus eam melius & plenius habuerunt tempore Regis* Edwardi. —— Plaeit. tempore Ed. 1. & Ed. 2. MS. penes Dom. *Fountains.* Now the Title of *Barons* of the Cinque-Ports is reſtrained from the common Inhabitants, to diſtinguiſh their Repreſentatives in Parliament; the Word *Combaron* is now likewiſe uſed for a Fellow-Member, the *Baron* and his *Combaron.*

Combat, *Duellum*, Is a *French* Word ſignifying the ſame with *certamen, prælium, pugna*, and in our ancient Law was a formal Trial of a doubtful Cauſe or Quarrel, by the Swords or Baſtons of two Champions: Of this you may read at large both in divers Civilians, as *Paris de Puteo de re Militari & Duello, Alciat. de Duello, Hottoman diſputatio Feudalium, cap.* 42. and others; and common Lawyers, namely *Glanvile, lib.* 14. *c.* 1. *Bract. lib.* 3. *Tract.* 2. *ca.* 3. *Britton, c.* 22. *Horne's Mirror of Juſtices, lib.* 3. *cap. Des Exceptions in fine prox. & cap. juramentum Duelli. Dyer, fol.* 301. *num.* 41, 42. *Cambden* in his *Brit. fol.* 519. mentions a *Combat.* between *Alan de la Zouch*, and *John* Earl of *Warren*, in the Year 1269. The laſt Trial by the *Combat* in *England*, was in the Sixth Year of King *Charles* the Firſt, between *Donald* Lord *Rey* Appellant, and *David Ramſey* Eſq; Defendant, both *Scotchmen*; but after many Formalities, the Matter was referred to the King's Will and Pleaſure, whoſe Favour inclined to *Ramſey. Baker's* Chron. *f.* 500. See *Co.* on *Littl. f.* 294. *b. Origines Juridiciales, fol.* 65. and *Spelman's* Gloſſ. at large, *verbo* Campus.

Comba terræ, and *Cumba terræ*, does in ſome of our old Charters occur for a low Piece of Ground, from Sax. *Cumbe*, Brit. *Kum* or *Cuum*, Engl. *Comb*, a Valley, or low Place between two Hills; which is ſtill ſo called in *Devonſhire* and *Cornwall.* And many Villages in other Parts of *England* obtained their Name of *Comb* from their Situation. So *Compton, Combwell, &c.* See Mr. *Kennet's* Gloſſ. *in voce* Combe.

Combe in *Domeſday* ſignifies a Valley, as Mr. *Agar* reports.

Combuſtio Pecuniæ, The old way of trying mixt and corrupt Money, by melting it down upon Payments into the *Exchequer.* In the Time of King *Henry* II. the Biſhop of *Salisbury* being Treaſurer, conſidered, that though the Money did anſwer *Numero & Pondere*, it might be deficient in Value, becauſe mixed with Copper or Braſs. Therefore (*conſilio Regis, & Regiæ ſimul & publicæ providere utilitati*) a Conſtitution was made, called *The Trial by Combuſtion.* The Practice of which differed of little or nothing from the preſent Method of *Aſſaying* Silver. Vide *Lownde's* Eſſay upon Coin, *p.* 7. Whether this Examination of Money by *Combuſtion* was to reduce an Equation of Money only of *Sterling, viz.* a due Proportion of Allay with Copper; or to reduce it to fine pure Silver without Allay, doth not ſo eaſily appear. *Vid. Hale of Sheriff's Accounts, p.* 23.

Comin-Seed, *Semen Cumini*, Is a Seed brought forth by an Herb ſo called, which you may ſee deſcrib'd in *Gerard's Herbal, lib.* 2. *c.* 416. This is placed among the garbleable Drugs. 1 *Jac.* 19.

Comitatu Commiſſo, Is a Writ, or *Commiſſion*, whereby the Sheriff is authoriſed to take upon him the Command of the County. *Reg. Orig. fol.* 295. *Co. Rep. lib.* 3. *fol.* 72.

Comitatu & Caſtro Commiſſo, Is a Writ whereby the Charge of a County, together with the keeping of a Caſtle is committed to the Sheriff. *Reg. Orig. f.* 295. *a.*

Comitatus, a County. *Ingulphus* tells us that *England* was firſt divided into Counties by King *Alfred*, and Counties into Hundreds, and thoſe again into Tithings; and *Forteſcue* writes that *Regnum Angliæ per* Comitatus *ut regnum Franciæ per Ballivatus diſtinguitur.* Sometimes 'tis taken for the County-Court, as in *Magna Charta, cap* 35. and *Fleta, lib.* 2. *ca.* 52. *Nullus* Comitatus *teneatur niſi de menſe in menſem.* Sometimes 'tis taken for a Territory or a Juriſdiction of a particular Place, as in *Mat. Pariſ. Anno* 1234. *Infra metas illas continentur quædam prædia & etiam Civitates & Caſtra, quas* Comitatui *ſuo aſſignare præſumunt.* So in *Charta H.* 2. *apud Hoveden: Caſtellum de Nottingham cum* Comitatu, *&c. De firmis mortuis & debitis de quibus non eſt ſpes, fiat unus Rotulus, & intituletur* Comitatus, *& legatur ſingulis annis ſuper Compotum Vicecomitum.* Clauſ. 12 Ed. 1. M. 7. Dorſo.

Comitatus, Of dead Farms, and Debts deſperate, whereof there is no hope, one Roll ſhall be made and intituled, Comitatus, and read every Year upon the account of Sheriffs. 10 E. 1. cap. unico.

Comitiva, *i. e.* a Companion or Fellow Traveller. 'Tis mentioned in *Brompton* in *H.* 2. *viz. Filio ſuo mandavit ut ſororem ſuam & Cimitivam ejus reverenter ſuſciperet.* Sometimes it ſignifies a Troop or Company of Robbers, as in *Walſingham, Anno* 1366. *Interpellaverunt auxilium Regis Angliæ contra magnas* Comitivas, *&c.*

Commandment, *Præceptum*, Is uſed diverſly in the Common Law: Sometimes for the *Commandment of the King*, when, upon his meer Motion, and from his own Mouth, he ſendeth any Man to Priſon. *Staundf. pl. cor. fol.* 72. *Commandment* of the Juſtices. And this *Commandment* of the Juſtices is either *Abſolute* or *Ordinary*. *Abſolute* as when upon their own Authority, in their Wiſdom and Diſcretion, they commit a Man to Priſon for a Puniſhment. *Ordinary*, is when they commit one rather for ſafe Cuſtody than Puniſhment: And a Man committed upon an *Ordinary Commandment* is bailable. *Staundf. pl. cor.* 73. Again, *Commandment* is uſed for the Offence of him that willeth another Man to tranſgreſs the Law, or to do any Thing contrary to the Law, as Theft, Murder, and ſuch like. *Bract. lib.* 3. *tract.* 2. *cap.* 19. *Les Civilians appellent ce* Commandment *Angelus de maleficiis.* Termes de la Ley, 145.

Commandry, (*Præceptoria*) was a Manor or chief Meſſuage, with Lands and Tenements appertaining thereto, belonging to the Priory of St. *John* of *Jeruſalem* in *England*; and he who had the Government of any ſuch Manor or Houſe was called the *Commander*, who could not diſpoſe of it but to the Uſe of the Priory, only taking thence his own Suſtenance, according to his Degree, who was uſually a Brother of the ſame Priory. *New Eagle*, in the County of *Lincoln*, was, and ſtill is, called the *Commandry of Eagle*, and did anciently belong to the ſaid Priory: So were *Slebach* in *Pembrokeſhire*, and *Shengay* in *Cambridgeſhire*, *Commandries* in the Time of the Knights-Templers, ſays *Camden.* ——— Theſe in many Places of *England* are termed Temples; as *Temple Bruere* in *Lincolnſhire*, *Temple Newſum* in *Yorkſhire*, *&c.* becauſe they formerly belonged to the ſaid *Templers.* Of theſe read *Anno* 26 *H.* 8. *c.* 2. and 32 *ejuſdem, c.* 24. See *Preceptories.*

Commarchio, the Confines of the Land. *Imprimis de noſtris Landimeris*, Commarchionibus. Du Cange.

Commeatura, A Commandry, Preceptory or Portion of Houſe and Lands, for the Accommodation of ſome Religious, eſpecially the *Knights-Templars.* ——— *Dominis Ordinis Divæ Mariæ Virginis* (*quas vulgo Fratrum Teutonicorum vocant*) *certa bona temporalia ac redditus empta ſunt* ——— *unde ex bonorum aſſe Præfecturæ ejus ordinis aliquot*, (*quas vulgo Balivas, ac a* commeatu *ordini parando* commeaturas *vocant*) *diſtincta ſunt & terminata per claſſes.* ——— Append. ad Faſcic. Rerum. Vol. 2. p. 363.

Commendam, (*Eccleſia* commendata, *vel cuſtodia Eccleſiæ alicui commiſſa*) Is a Benefice, or Church-Living, that being void, is *commended* to the Care of ſome ſufficient Clerk, to be ſupplied, till it may be conveniently provided of a Paſtor: And that this was the true Original of this Practice, may be read at large in *Durandus de Sacri Eccleſiæ Miniſteriis & Beneficiis, lib* 5. *cap.* 7. He to whom the Church is *commended* hath the Fruits and Profits thereof only for a certain Time, and the Nature of the Church is not changed thereby, but is as a Thing depoſited in the Hands of him to whom it is *commended*, who hath nothing but the Cuſtody thereof, which may be revoked. When a Perſon is made a Biſhop, there is a Ceſſion of his Benefice by the Promotion; but if the King gives him Power to retain his Benefice, he ſhall continue Parſon, and is ſaid to hold it *in Commendam. Hob. Rep. fol.* 144. *Latches Rep.* 237, 237. See *Eccleſia* commendata *in Gloſſ.* 10. *ſcript.*

Commendatary (*Commendatarius*) is he that hath a Church-Living *in Commendam*; which ſee.

Commendatory Letters are ſuch which are writ by one Biſhop to another, in behalf of any of his Clergy, or other of his Dioceſe, travelling thither, that they may be received among the Faithful, or that the Clerk made be promoted, or that Neceſſaries may be adminiſtered to both. Several Forms of theſe Letters may be ſeen in our Hiſtorians, as in *Bede. Lib.* 2. *ca.* 18. *Simeon* of *Durham, Anno* 1125, *&c.*

Commendati Homines, Perſons who by voluntary Homage, put themſelves under the Protection of any ſuperior Lord. For ancient Homage was either *Predial*, due for ſome Tenure; or *Perſonal*, which was either by *Compulſion*, as a Sign of neceſſary Subjection; or *Voluntary*, with a Deſire of Protection. And thoſe who by doing voluntary Homage put themſelves under the Protection of any Man of Power, were ſaid *Commendare ſe in manus ejus*, and were therefore ſometimes called *Homines ejus commendati*; and ſometimes ſimply *Commendati*, as often in *Domeſday-Book.* Tho' we have loſt the Meaning of the Phraſe, yet we uſe it in this Complement, *Commend me to ſuch a Friend*, which is no leſs than, Let him know I am his humble Servant. Vide *Spelman* of *Feuds, cap.* 20.

Commendati Dimidii, Perſons who depended on two ſeveral Lords, and were to pay one half of their Homage to *this*, the other to *that. Subcommendati* were ſuch, as like Under-Tenants, were under Command of thoſe who were themſelves depending on a ſuperior Lord. And again,

Dimidii Subcommendati, who bear a double Relation to such depending Lords. ——— *Lib. Domesday, Suffolk.* ——— *In parva* Thornham *duo liberi Homines, unus eorum fuit* Commendatus *Ulrevæ & alter* Dimidius Subcommendatus *Antecessori* Malet.

Commendatus. *In eadem Villa tenet Ailvi* Commendatus *Antecessori* (Mallet) 60 *Acras pro Manerio.* Domesday, Suffolk. One that lives under the Protection of a great Man. *Differre videntur* Vassallus, Affidatus, & Commendatus; *Hic nempe Patrono teneri fide & obsequio, sine juramento aut aliqua tenura; Ille fide & juramento, sed itemque sine tenura*; Vassalus *autem his omnibus*, says *Spelman.*

Commerciones, Commarciones, those who live in the Confines or utmost Limits of a Place. *Si quis inter* Commarciones *regni nostri roberiam faciat.* Du Cange.

Comminalty, or rather *Communalty*, or *Commonalty*; Signifies the middle Sort of the King's Subjects, 2 *Inst. fol.* 539. *Tout le Commune d'Engleterre*, are such of the Commons as raised beyond the ordinary Peasants, come to have the managing of Offices, and by that Means are one Degree under Burgesses, which are superior to them both in Order and Authority, as in Companies incorporated, they are said to consist of Master, Wardens and *Commonalty*; the first two being the Chief, the middle Sort such as are usually called *Of the Livery.* See *Communitas Regni. Blount* says that this Word *Commonalty* includes all the King's Subjects. As in *Articul. super Chart.* 28 *Ed.* 1. *cap.* 1. Tout *le Commune d'Engleterre* signifies all the People of *England.*

Commissary, *Commissarius*, Is a Title of Ecclesiastical Jurisdiction, appertaining to such a one as exercises Spiritual Jurisdiction (at the least so far as his Commission permitteth) in Places of the Diocese so far distant from the chief City, as the Chancellor cannot call the Subjects to the Bishop's principal Consistory, without their too great Molestation. This *Commissary* is by the Canonists termed *Commissarius*, or *Officialis foranæus. Lyndewode's Provin. c.* 1. *de Accusat. &c.* And he is ordained to this especial End, That he supply the Bishop's Jurisdiction and Office, in the Out-Places of his Diocese, or else in such Parishes as be peculiar to the Bishop and exempted from the Jurisdiction of the Archdeacon; for where either by Prescription or Composition, there be Archdeacons that have Jurisdiction within their Archdeaconries, as in most Places they there have, this Commissary is superfluous, and most commonly doth rather vex and disturb the Country for his Lucre, than of Conscience seek to redress the Lives of Offenders. And therefore the Bishop taking Protestation-money of his Archdeacons yearly *pro exteriori Jurisdictione*, as it is ordinarily called, doth by superonerating their Circuit with a *Commissary*, not only wrong the Archdeacons, but the poorer Sort of Subjects much more, as common Practice too frequent teacheth.

Commission. *Commissio*, Is for the most Part in the Understanding of the Law, as much as *Delegatio* with the Civilians. (See *Broke*, Tit. *Commission*) and is taken for the Warrant, or Letters Patent, that all Men exercising Jurisdiction either ordinary or extraordinary, have for their Power to hear, or determine any Cause or Action. Of these, see divers in the Table of the *Register Original, verbo Commissio*; yet this Word sometimes is extended further than to Matters of Judgment; as the *Commission* of Purveyors. 11 *H.* 4. *cap.* 28. But with the Epithet (*High*) is used for the Honourable *Commission-Court*, instituted and founded upon the Statute 1 *Eliz. cap.* 1. but for divers Reasons utterly abolished and taken away by the Statute made 16, 17 *Car.* 1. *cap.* 10 and that again explained by another Act, 13 *Car.* 2. *cap.* 2.

Commission of Association, Mentioned 18 *El. cap.* 9. Is a *Commission* under the Great Seal, to associate two or more learned Persons, with the several Justices in the several Circuits and Counties in *Wales.*

Commission of Anticipation, Was a *Commission* under the Great Seal, to collect a Subsidy before the Day, *Anno* 5 *H.* 8. *Co.* 12. *Rep. fol.* 120.

Commission of Rebellion, *Commissio Rebellionis*, Is otherwise called *A Writ of Rebellion*, *Breve Rebellionis*, and issues when a Man (after Proclamation issued out of the *Chancery* or *Exchequer*, and made by the Sheriff, to present himself under Pain of his Allegiance to the Court by a certain Day) appears not. And this *Commission* is directed by the way of Command to certain Persons, to the End, that they, three, two, or one of them do apprehend, or cause to be apprehended the Party as a Rebel and Contemner of the King's Laws, wheresoever they find him within the Kingdom, and bring him, or cause him to be brought to the Court, upon a Day therein assigned. The true Copy of this *Commission* or Writ, you have in *Cromp. Jurisd. Court de Star-Chamber*, as also in *West.* touching Proceedings in *Chancery*, *sect.* 24.

Commissioner, *Commissionarius*, Is he that hath *Commission*, as Letters Patent, or other lawful Warrant, to execute any publick Office, as *Commissioners* of the Office of *Fines*, and *Licences*; *West. Part.* 2. *Symbol* Tit. *Fines*, *sect.* 106. *Commissioners* in *Eyre*, *Anno* 3 *E.* 1. *c.* 26. *Commissioners* of *Sewers*, 23 *H.* 8. 5. 12 *Car.* 2. *ca.* 6. with infinite other such like.

Committee, Is he or they to whom the Consideration, or Ordering of any Matter is referred, either by some Court, or Consent of Parties to whom it belongeth. As in Parliament, a Bill being read, is either consented unto and passed, or denied; or neither of both, but referred to the Consideration of some discreet Men appointed by the House farther to examine it, who thereupon are called *Committees: Committee* of the King. *West. Par.* 2. *Symb.* Tit. *Chancery*, *sect.* 144. This Word seemeth to be something strangely used in *Kitchin, fol.* 160. where the Widow of the King's Tenant being dead, is called *The Committee of the King*; that is, one *committed* by the ancient Law of the Land to the King's Care and Protection.

Commoigne, *Fr.* a Fellow-Monk, that lives in the same Convent. 3 *Part. Inst. f.* 15.

Common (*Commune, i. e. Quod ad omnes pertinet*) signifies that Soil or Water whereof the Use is *Common* to this or that Town or Lordship; as *Common of Pasture*, (Commune Pasturæ). *Bracton, lib.* 4. *cap.* 19, & 40. *Common of Fishing*, (Commune Piscariæ). *Idem, lib.* 2. *c.* 34. *Common of Turbary*, (Commune Turbariæ, *i. e.* of digging Turves). *Idem, lib.* 4. *c.* 41. *Common of Estovers*, (Commune Estoveriorum). *Kitchin, f.* 94, *&c. Common* is divided into *Common in Gross*, *Common Appendant*, *Common Appurtenant*, and *Common pur Cause de Vicinage.*

Common in Groſs is a Liberty to have *Common* alone, that is, without any Land or Tenement, in another Man's Land, to himſelf for Life, or to him and his Heirs; and it is commonly paſſed by Deed of Grant or Specialty. *Old. Nat. Br. f.* 31, & 37.

Common Appendant and *Common Appurtenant* are in a Manner confounded, as appears by *Fitz. Nat. Br. fol.* 180. and are defined to be a Liberty of *Common appertaining* to, or *depending* on, ſuch and ſuch a Freehold; which *Common* muſt be taken with Beaſts commonable, as Horſes, Oxen, Kine, and Sheep, being accounted fitteſt for the Ploughman; and not of Goats, Geeſe, and Hogs. But ſome make this Difference, That *Common appurtenant* may be ſevered from the Land whereunto it appertains, but not *Common Appendant*; which (according to Sir *Edward Coke*, *lib.* 4. *f.* 37.) had this Beginning: ——— When a Lord enfeoffed another in arable Lands, to hold of him in *Soccage*, the Feoffee, to maintain the Service of his Plough, had at firſt, by the Courteſy or Permiſſion of his Lord, *Common* in his Waſtes for neceſſary Beaſts, to ear and compoſt his Land; and that for two Cauſes: One, for that it was tacitly implied in the Feoffment, by reaſon the Feoffee could not till or compoſt his Land without Cattle, and Cattle could not be ſuſtained without Paſture; ſo by Conſequence the Feoffee had, as a Thing neceſſary and incident, *Common* in the Waſtes and Land of the Lord. And this appears by the ancient Books, *Temp. Ed.* 1. Tit. *Common* 24. and 17 *Ed.* 2. Tit. *Common* 23. and 20 *Ed.* 3. Tit. *Admeaſurement* 8. and by the Statute of *Merton*, *cap.* 4. The ſecond Reaſon was, for Maintenance and Advancement of Tillage, which is much regarded and favoured by the Law.

Common pur cauſe de Vicinage, (*i. e. Common* by reaſon of Neighbourhood) is a Liberty that the Tenants of one Lord in one Town have to *Common* with the Tenants of another Lord in another Town. Thoſe that challenge this Kind of *Common*, (which is uſually called *Intercommoning*) may not put their Cattle in the *Common* of the other Town; for then they are diſtrainable; but turning them into their own Fields, if they ſtray into the Neighbour *Common*, they muſt be ſuffered. *Common of Paſture* the *Civilians* call *Jus compaſcendi*.

Common Bench, (*Bancus Communis*, from the Sax. *Banc. i. e.* a Bank or Hillock, and metaphorically a *Bench*, High Seat, or Tribunal.) The Court of *Common Pleas* was anciently ſo called, *An.* 2. *Ed.* 3. *ca.* 11. becauſe (ſaith *Camden* in his *Britain. pag.* 113.) Communia *Placita inter ſubditos ex jure noſtro, quod* Commune *vocant, in hoc diſceptantur*, that is, The Pleas or Controverſies between *common* Perſons are there tried. And the Juſtices of that Court in legal Records are term'd *Juſticiarii de Banco. Coke* on *Littl. f.* 71. *b.* See *Common Pleas.*

Common Day in Plea of Land (*Anno* 13 *Ric.* 2 *Stat.* 1. *cap.* 17.) ſignifies an ordinary Day in Court, as *Octabis Hillarii*, *Quindena Paſchæ*, &c. which you may ſee in the Statute of 51 *Hen.* 3. concerning general Days in the Bench.

Common Fine, *Finis Communis*: Of this *Fleta*, *lib.* 1. *c.* 48. *ſect. quibus*, hath theſe Words, *Quibus expeditis* (ſpeaking of the Buſineſs finiſhed by Juſtices in *Eyre*) *conſueverunt Juſticiarii imponere villatis, juratoribus hundredis & toti comitatui concelamentum, & omnes ſeparatim amerciare, quod videtur voluntarium, cum de perjurio & concelamento non fuerint convicti, ſed potius diſpenſandum eſſet cum eis quod animas in ſtatera poſuerint pro pacis conſervatione.* And a little following he ſaith, *Quod communes miſericordiæ, vel* fines *comitatuum amerciatorum in* finibus *itinerum Juſticiariorum*, &c. *Common Fine* is a certain Sum of Money which the Reſiants, within the View of ſome Leets, pay to the Lord thereof, called in divers Places *Head-Silver*, in others *Cert-Money*, or *Certum Letæ*, and *Head-Pence*; and was firſt granted to the Lord towards the Charge of his Purchaſe of the Court-Leet, whereby the Reſiants had now the Eaſe to do their Suit Royal nearer Home, and not to be compelled to go to the *Sheriff's Turn*: As in the Manor of *Sheapſhead*, in *Com. Leic.* every Reſiant pays 1 *d. per Poll* to the Lord at the Court held after *Michaelmas*, which is there called *Common Fine*. There is alſo *Common Fine* of the County; for which ſee *Fleta*, *lib.* 7. *c.* 48. and the Statute of 3 *Ed.* 1. *cap.* 18. But the Clerk of the Market ſhall take no *Common Fine*, *Anno* 13 *R.* 2. *cap.* 4. For *Common Fine* the Lord cannot diſtrain without a Preſcription. *Godfrey's* Caſe, *Coke's* 11 *Reports.* See *Cert-Money.*

Commons Houſe of Parliament is ſo called, becauſe the *Commons* of the Realm, that is, Knights, Citizens, and Burgeſſes, repreſenting them, do ſit there. *Crompt. Juriſd.* 9.

Common Intendment is *Common* Underſtanding or Meaning according to the ſubject Matter, not ſtrained to an exotick Senſe. *Bar to Common Intendment* is an ordinary or general Bar, which commonly diſables the Declaration of the Plaintiff. Of *Common Intendment*, a Will ſhall not be ſuppoſed to be made by Colluſion. *Coke on Littl. f.* 78. *b.* See *Intendment.*

Common Law. After the Decay of the *Roman* Empire, three Sorts of the *German* People invaded the *Britons*, *viz.* the *Saxons*, the *Angles*, who were a neighbouring People, and the *Jutes*: From the laſt came the *Kentiſh* Men, and the Inhabitants of the Iſle of *Wight*; from the *Saxons* came the People called *Eaſt*, *South*, and *Weſt Saxons*; and from the *Angles* came the *Eaſt Angles*, *Mercians*, and *Northumbrians*. As theſe People had different Cuſtoms, ſo they inclined to the different Laws by which their Anceſtors were governed; but the Cuſtoms of the *Weſt Saxons* and *Mercians*, who dwelt in the Midland Counties, being preferred before the Reſt, were for that Reaſon called *Jus Anglorum*; but the particular Names were *Weſt Saxonlage*, and *Merchenlage*; and by theſe Laws thoſe People were governed for many Ages. But the *Eaſt Saxons* being afterwards ſubdued by the *Danes*, their Cuſtoms were introduced, and a third Law was ſubſtituted, which was called *Dane-Lage.*

The *Danes* being overcome by the *Normans*, *Henry* Biſhop of *Wincheſter*, who was nearly related to the Conqueror, told our Hiſtorian *Gervas* of *Tilbury*, That upon due Conſideration of all thoſe Laws and Cuſtoms the Conqueror abrogated ſome, and eſtabliſhed others; to which he added ſome of his Country Laws, which he adjudged moſt to conduce to the Preſervation of the Peace, and the Quiet and Eaſe of the People. And this is what we now call the *Common Law.*

Not that this was the Original of the *Common Law*; for *Ethelbert*, the firſt Chriſtian King of this Nation, who lived in the ſixth Century, made the firſt *Saxon Laws*, which were publiſhed in *Engliſh* by the Advice of ſome Wiſe Men, whom he

he called to his Aſſiſtance, which continue to this Day. 'Tis true, King *Alfred*, who lived 300 Years afterwards, is called *Magnus juris Anglicani Conditor:* Not becauſe he firſt made that *Law*, but becauſe, being the firſt ſole Monarch after the *Heptarchy*, he collected all the *Saxon Laws* (which were made in the Space of 300 Years) into one Book, that is, he collected the beſt, and rejected the reſt, and commanding them to be obſerved through the whole Kingdom, which before affected only ſeveral Parts thereof, it was therefore properly called the *Common Law*, becauſe it was *common* to the whole Nation; and ſoon after it was called the *Folc Right*, *i. e.* the *People's Right*. The Word *Common Law* hath three Significations: Firſt, It is taken for the *Laws* of this Realm ſimply, without any other *Law* joined to it; as when it is diſputed what ought of Right to be determined by the *Common Law*, and what by the *Spiritual Law*, or Admiral's Court, or the like. Secondly, For the *King's Court*, as the *King's Bench* or *Common Pleas*, only to ſhew a Difference between them and the baſe Courts, as Cuſtomary Courts, Court-Barons, County-Courts, Pipowders, and ſuch like; as when a Plea of Land is removed out of ancient Demeſn becauſe the Land is Frank-fee, and pleadable at the *Common Law*, that is, in the King's Court, and not in ancient Demeſn, or any other baſe Court. Thirdly, and moſt uſually, by the *Common Law*, is underſtood ſuch *Laws* as were generally taken and holden for *Law*, before any Statute was made to alter the ſame; as, neither Tenant for Life, nor for Years, were puniſhable by the *Common Law* for doing *Waſte* till the Statute of *Gloue. cap.* 5. was made, which gives Action of *Waſte* againſt them: But Tenant by *Courteſy*, and Tenant in *Dower*, were puniſhable for it before the ſaid Statute. See *Law*, and *Merchenlage*.

Common Pleas, *Communia Placita*, Is the King's Court now held in *Weſtminſter-Hall*, but in ancient Time moveable; as appears by *Magna Charta*, *cap.* 11. and alſo 2 *E.* 3. *cap.* 11. & *Pupilla oculi*, *Part* 5. *cap.* 22. But Mr. *Gwin* in the *Preface to his Reading* ſaith, That until the Time that *Henry* the Third granted the Great Charter, there were but two Courts in all, called *The King's Courts*; whereof one was the *Exchequer*, the other the *King's Bench*, which was then called *Curia Domini Regis*, and *Aula Regia*, becauſe it followed the King and Court: And that upon the Grant of that Charter, the Court of *Common Pleas* was erected, and ſettled in one certain Place, *viz. Weſtminſter*. And becauſe this Court was ſettled at *Weſtminſter*, therefore after that, all Writs ran, *Quod ſit coram Juſticiariis noſtris apud Weſtmonaſterium*; whereas before it was, *Coram me vel Juſticiariis meis*, ſimply without Addition of Place, as he well obſerveth out of *Glanvile* and *Bracton*: The one writing in *Henry* the Second's Time, before the Court was erected; the other in the later Time of *Henry* the Third, who erected this Court. All Civil Cauſes, both Real and Perſonal, are or were in former Times tried in this Court according to the ſtrict Law of the Realm. And by *Forteſcue*, *cap.* 50. it ſeemeth to have been the only Court for real Cauſes: The Chief Judge of that Court is called *The Lord Chief Juſtice of the Common Pleas*, aſſiſted with three or four Aſſociates, which are created by Letters Patent from the King, and, as it were, inſtalled or placed upon the Bench by the Lord *Chancellor* and Lord *Chief Juſtice of the Court*; as appeareth by *Forteſcue*, *cap.* 51. who expreſſes all the Circumſtances of this Admiſſion. The reſt of the Officers belonging to this Court, are, The *Cuſtos Brevium*, three Prothonotaries, Chirographer, fourteen Filacers, four Exigenters, Clerk of the Warrants, Clerk of the Juries, or *Jurata* Writs, Clerk of the King's Silver, Clerk of the Treaſury, Clerk of the Eſſoins, Clerk of the Outlawries: whoſe diſtinct Functions look in their proper Places. See *Common Bench*, and 4 *Inſt. fol.* 99.

Commote, (Br. Cwmmwd, *i. e. Provincia*,) in *Wales*, is half a *Cantred* or Hundred, containing fifty Villages. *Stat. Wallia*, 12 *Ed.* 1. and 21 *H.* 8. *c.* 26. *Wales* was anciently divided into three *Provinces*, *North Wales*, *South Wales*, and *Weſt Wales*, otherwiſe called *Powyſland*; and each of theſe were again ſubdivided into *Cantreds*, and every *Cantred* into *Commotes*. Sir *Jo. Dodridge's Hiſtory of Wales*, *fol.* 2. So *Brecknockſhire* is found to have three *Cantreds*, and eight *Commotes*. *Hiſtory of Wales*. It ſignifies alſo a great Seigniory, and may include one or divers Manors. *Coke on Litt. fol.* 5. 'Tis Sir *Henry Spelman's* Opinion, that a *Commote* is half an Hundred; but *Sylveſter Giraldus*, in his *Itinerary of Wales*, tell us 'tis but a Quarter of an Hundred, viz. *Gruffino filio Reſi unius* Commoti *ſolum*, *id eſt*, *quartæ partis Cantredi*, &c. Itinerar. lib. 1. c. 2.

Communance. The Commoners, or Tenants and Inhabitants, who had the Right of *Common*, or *Commoning* in open Fields, or Woods, were formerly called the *Communance* and *Commaunte*, *Communa* or *Communia Paſturæ*, the Common Paſture: And *Communare*, to enjoy the Right of *Common*.

Commune. See *Comminalty*.

Commune Concilium Regni Angliæ, The Common Council of the King and People, aſſembled in Parliament. See *Parliament*.

Communia placita non tenenda in Scaccario is a Writ directed to the Treaſurer and Barons of the *Exchequer*, forbidding them to hold Plea between *Common* Perſons in that Court, where neither of them belong thereto. *Reg. of Writs*, *fol.* 187. *b.*

Communication, (*Communicatio*,) a Talking, Conſultation, or Conferring with. Where there is only a *Parley* betwixt two, and no perfect Agreement, that is, no ſuch Contract between 'em as on which to ground an Action, it is called a *Communication*.

Communi Cuſtodia is a Writ that did lie for that Lord whoſe Tenant, holding by Knight's Service, died, and left his eldeſt Son under Age, againſt a Stranger that entered the Land, and obtained the Ward of the Body. *Old Nat. Br. fol.* 89. But this Writ is become obſolete ſince Wardſhips were taken away by the Stat. 12 *Car.* 2. *cap.* 24.

Communitas Regni. *Tota terra communitas*, *Regni totius communitas.* Theſe Phraſes have been of late Years thought to ſignify the ordinary People, and Freeholders; or at beſt Knights and Gentlemen, under the Degree of *Barons*, as if they were the *Community* of the Land, and had been always ſo eſteemed. But anciently the *Barons* only, and Tenants *in Capite*, or Military Men, were the *Community* of the Kingdom, and thoſe only meant, taken and reputed as ſuch in our moſt ancient Hiſtorians and Records. See Dr. *Brady's* Gloſſary, at the End of his Introduction to *Eng.* Hiſt.

Comorth, (*Comortha*,) from the Britiſh *Cymmorth*, (*Subſidium*) a Contribution; *Subſidium a pluribus collatum.* *Anno* 4 *H.* 4. *c.* 27. 26 *Hen.* 8. *c.* 6. prohibits the Levying any ſuch in *Wales*, or the Marches, &c. It ſeems this *Comorth* was gathered at Marriages, and when young Prieſts ſaid or ſung their firſt Maſſes, and ſometimes for Redemption of Murders or Felonies.

Companage, *Fr.* all Kind of Food, except Bread and Drink. Some Tenants of the Manor of *Feskerton* in *Com. Nott.* when they performed their Boons or Work-days to their Lord, had three Boon Loaves with *Companage* allowed them. *Reg. de Thurgarton*, cited in the *Antiquity of Nottinghamſhire.* Yet the learned *Spelman* interprets it to be *Quicquid cibi cum pane ſumitur.* But in the *Cartular. Abbat. Glaſton.* MS. *pag.* 74. we find *In pane, vino, & cerviſia, piſce, ſive alio quocunque genere* Companagii, *ſive leguminis.*

Companion of the Garter, Is one of the Knights of that moſt Honourable Order. 24 *H.* 8. *c.* 15. See *Garter.*

Compellativum, an Adverſary or Accuſer, Among the Laws of King *Athelſtan* we read that the Biſhop ſhould *in* Compellativum *adlegiationem docere ne quis alium perperam cogat jurejurando vel in ordalio.*

Compertorium, A judicial Inqueſt in the Civil Law, made by Delegates, or Commiſſioners to find out, or relate the Truth of a Cauſe. —— *Et in carnibus porcinis emptis pro Clericis Domini Archiepiſcopi ſuper* Compertorium *apud Burceſtre.* —— Paroch. Antiq. p. 575.

Compoſitio menſurarum, Is the Title of an ancient Ordinance for Meaſures, not printed, and mentioned in the Statute of 23 *Hen.* 8. *cap.* 4.

Compoſtum, *Compoſt*, or Dung. *Compoſtare*, to lay on ſuch *Compoſt.* —— Walterus *Archiepiſcopus* Cantuar. *remiſit* H. *Priori & Conventui Eccleſiæ* Cantuar. *manerium ſuum de* Caldecote, —— *& Prædicti Prior & Conventus* —— *terras prædicti manerii faldabunt & compoſtabunt de exitu beſtiarum ibidem. Dat.* 15 Jul. 1326. Regiſtr. Eccleſiæ Chriſti Cantuar. MS.

Compſint, Properly ſignifies to print together; but as it is uſed in common Speech among Dealers in Books, it intends a ſurreptitious *Printing* of another's Copy, to make a Gain thereby to himſelf. This is contrary to the Statute made 14 *Car.* 2. *cap.* 33. 16 *Car.* 2. *cap.* 6. & 16 & 17 *Car.* 2. *cap.* 7. and 17 *Car.* 2. *cap.* 4. *apud Oxon.*

Compromiſe, *Compromiſſum.* We uſually ſay *Compromiſe*, is a mutual Promiſe of two or more Parties at Difference, to refer the Ending of their Controverſies to the Arbitrement and Equity of one or more Arbitrators. *Weſt. par.* 2. *Symb.* Tit. *Compromiſe, ſect.* 1. defines it thus, A *Compromiſe* or Submiſſion, is the Faculty or Power of pronouncing Sentence between Parties at Controverſy, given to Arbitrators by the Parties mutual private Conſent, without publick Authority.

Comptroller. See *Controller.*

Compurgator, one that by Oath juſtifies another's Innocence. See *Law* and *Oath.*

Computation, Is uſed in the Common Law for the true and indifferent Conſtruction of Time, ſo that neither the one Party nor the other ſhall do Wrong, nor the Determination of Times referr'd at large, be taken one way or other, but computed according to the juſt Cenſure of the Law. As if Indentures of Demiſe are ingroſſed, bearing Date the eleventh Day of *May* 1669. *To Have and to Hold* the Land in *S.* for three Years from henceforth, and the Indentures are delivered the fourth Day of *June*, in the Year aforeſaid: In this Caſe, *From henceforth* ſhall be accounted from the Day of the Delivery of the Indentures, and not by any *Computation* from the Date: And if the ſaid Indenture be delivered at four of the Clock in the Afternoon of the ſaid fourth Day, this Leaſe ſhall End the third Day of *June*, in the third Year; for the Law in this *Computation* rejects all Fractions, or Diviſions of the Day, for the Incertainty, which always is the Mother of Contention; ſo where the Statute of Inrolments made *Anno* 27 *H.* 8. *c.* 16. is, That the Writings ſhall be inrolled within ſix Months after the Date of the ſame Writings indented; if ſuch Writings have Date, the ſix Months ſhall be accounted from the Date, and not from the Delivery; but if it want Date, then ſhall it be accounted from the Delivery. *Co. lib.* 5. *fol.* 1. If any Deed be ſhewed to a Court at *Weſtminſter*, the Deed, by Judgment of the Law, ſhall remain in Court all the Term in which it is ſhewed, for all the Term in Law is but as one Day. *Co. lib.* 5. *fol.* 1. If a Church be void, and the true Patron doth not preſent within ſix Months, then the Biſhop of the Dioceſe may collate his Chaplain; but theſe ſix Months ſhall not be *computed* according to the twenty-eight Days to the Month, but according to the *Calendar*: And there is great Diverſity in our common Speech in the ſingular Number, as a *Twelve-Month*, which includes all the Year, according to the *Calendar*; and *Twelve Months*, which ſhall be *computed* according to 28 Days to every Month. *Co. lib.* 6. *fol.* 61. *b.*

Computo, Is a Writ ſo called of the Effect, becauſe it compelleth a Bailiff, Receiver, or Chamberlain, to yield his Account. *Old Nat. Brev. fol.* 58. It is founded upon the Statute of *Weſt.* 2. *cap.* 2. *Anno* 13 *E.* 1. which, for your better Underſtanding, you may read. And it lieth alſo for Executors of Executors. 15 *E.* 3. *Stat. de Proviſ. Victual. cap.* 5. Thirdly, Againſt the Guardian in Socage, for Waſte made in the Minority of the Heir. *Marlb. cap.* 7. And ſee farther, where, how, and for what it lies. *Reg. Orig. f.* 135. *Old Nat. Brev. ubi ſupra*, & *F. N. B. fol.* 116.

Con, the ſame with Ken.

Conable, (Fr. *Convenable*, *i. e.* Convenient or Fitting,) —— We ordain that there be made a Wathe of Conabyl heythe, creſtyd with Pikes of Yerne, to ſore the Entry of your Kechyne, that no ſtrange Peopille may enter with certain Clekets, adviſed be you, and be your Steward to ſuch Perſons, as you and them think honeſt and Conabel. Artic. Decani & Capit. Sti. Pauli Priorat. S. Helenæ. Dat. 21 *Junii*, 1439.

Contagu, the Barony of *Kendall.*

Concealers (*Concelatores*) are ſuch as find out *concealed* Lands, that is, ſuch Lands as are privily kept from the King by common Perſons, having nothing to ſhew for their Title or Eſtate therein. *Anno* 39 *Eliz. cap.* 22. and 21 *Jac. cap.* 2. They are ſo called from *Concelando*, as *Mons* from *Movendo*, *per Antiphraſin.* Sec 3 *Part. Inſt. fol.* 188. where the Author calls them *Turbidum hominum genus.*

Conceſſi, A Word of frequent Uſe in Conveyances, creating a Covenant in Law; as *Dedi* makes a Warranty. Co. on *Lit. fol.* 384.

Concionator, A Common Council-Man, a *Mit-Worthy*, a Freeman called to the Hall, or Aſſembly. —— *Quodam tempore cum conveniſſent* Concionatores Angliæ *apud* Londoniam, &c. Hiſtor. Elien. Edit. *Gale*, *cap.* 46.

Concluſion, *Concluſio*, Is when a Man by his own Act upon Record, hath charged himſelf with a Duty, or other Thing. As if a Freeman confeſs himſelf to be the Villain of *A.* upon Record, and afterward *A.* takes his Goods, he ſhall be *concluded* to ſay in any Action or Plea afterwards, that he is free, by Reaſon of his own Confeſſion. So if the Sheriff upon a *Capias* to him directed, returns that he hath taken the Body, and yet hath not the Body in Court at the Day of the Return; he ſhall be amerced, and if it were upon a *Capias ad Satisfac.* the Plaintiff may have his Action againſt the Sheriff for the Eſcape; for by ſuch Returns the Sheriff hath *concluded* himſelf. And this Word *Concluſion* is taken in another Senſe, as for the End or later Part of any Declaration, Bar, Replication, &c. As where to the Bar there ought to be a Replication, the *Concluſion* of his Plea ſhall be, *Et hoc paratus eſt verificare.* If in Dower, the Tenant pleads, That he was never ſeiſed to render Dower, the *Concluſion* ſhall be, *Et de hoc ponit ſe ſuper Patriam.* And in what manner the *Concluſion* ſhall be, according to the Nature of ſeveral Actions, ſee *Kitchin*, *fol.* 219, 220.

Concord, *Concordia*, Is in the Common Law, by a peculiar Signification, defined to be the very Agreement between Parties, that intend the Levying of a Fine of Lands one to the other, how, and in what Manner the Land ſhall paſs: In the Form whereof, many Things are to be conſidered. *Weſt. part.* 2. *Symb.* Tit. *Fines* and *Concords*, *ſect.* 30. whom read at large. *Concord* is alſo an Agreement made upon any Treſpaſs committed between two or more, and is divided into a *Concord executory*, and *Concord executed.* See *Plowd. fol.* 5 & 6. *Reniger* and *Fogaſſa*'s Caſe, where it appeareth by ſome Opinions, That the one bindeth not, as being imperfect; the other abſolute, and ties the Parties: And yet by ſome other Opinions in the ſame Caſe, it is affirmed, That Agreements executory be perfect, and no leſs bind than Agreements executed, *f.* 8. *b.*

Concubaria, A Fold, a Pen, or Place where Cattle lie together. —— Willielmus de Putot *concedit Hoſpitali de* Thelesford *unam dimidiam virgatæ terræ in* Eſſora ——*quiete & integre in viis, ſemitis, terris, pratis*, concubatiis *& paſturis, cum omnibus ayſiamentis.* —— Cartular. de Theliſford. MS.

Concubinage *Fr.* ſignifies properly the keeping a Whore for one's own filthy Uſe: But it is us'd as an Exception againſt her who ſues for Dower, alledging thereby that ſhe was not Wife lawfully married to the Party, in whoſe Lands ſhe ſeeks to be endowed, but his *Concubine. Briton*, *c.* 107. *Bracton*, *lib.* 4. *tract.* 6. *cap.* 8. who tells us, That *Concubinage* may be lawful, *Quoad hæredem & hæreditatis Succeſſionem*; but not *Quoad dotem*, *Lib* 3. *c.* 28. By which it muſt not be intended ſuch a *Concubinage* which tends to Fornication; but ſuch as was allowed in Scripture to the Patriarchs, *viz. Secundum legem Matrimonii*, *infra dignitatem tamen uxoris ducitur.*

Condate. *Congleton* in *Cheſhire.*

Condercum, *Cheſter upon the Street*, in the Biſhoprick of *Durham.*

Conders, May ſeem to proceed from the French *Conduire*, i. e. *Gubernare*; they be ſuch as ſtand upon high Places near the Sea-Coaſts, at the Time of Herring-fiſhing, to make ſigns with Boughs, &c. in their Hands unto the Fiſhers, which way the Shole of Herrings paſſeth; for that doth appear better to ſuch as ſtand upon ſome high Cliff on the Shore, by a Kind of blue Colour that the ſaid Fiſh cauſeth in the Water, than to thoſe that be in the Ships. Theſe be otherwiſe called *Hewers*, (probably from the French *Huyer*, *exclamare*) and *Balkers*, *Directors*, and *Guiders*, as appeareth by the Statute *Anno* 1 *Jacobi*, *cap.* 23.

Condis, a Ridge of Land: *Quandam parcellam cujuſdam* Condis *juxta campum ipſorum.* Du Freſne.

Condition, *Conditio*, Is a Reſtraint or Bridle annexed to a Thing, ſo that by the not Performance, the Party to it ſhall receive Prejudice and Loſs, and by the Performance, Commodity and Advantage. *Weſt. part.* 1. *Symb. lib.* 2. *ſect.* 156. and *Co. lib.* 3. *Pennant*'s Caſe, *f.* 64. Of theſe *Conditions* there are divers Kinds, *Condition collateral*, *Condition in Fact*, *Condition in Law*, *Condition expreſt*, and *Condition imply'd*, &c. *Condition collateral*, is that which is annexed to any collateral Act, as that the Leſſee ſhall not go to *Canterbury. Co. lib.* 3. *fol.* 65. *Condition in Fact*, is that which is expreſt in plain Words in any Feoffment, Leaſe or Grant: *Condition in Law* is imply'd, though not at all expreſt in the Grant. Alſo *Conditions* are either precedent, and going before the Eſtate, and are executed, or elſe ſubſequent and executory. *Condition precedent*, doth get and gain the Thing or Eſtate made upon that *Condition*, by the Performance of it. *Condition ſubſequent*, keeps and continues the Thing or Eſtate made upon *Condition*, by the Performance of it. *Condition precedent* is, when a Leaſe is made for Life to one upon *Condition*, That if the Leſſee will pay to the Leſſor 20 *li.* at ſuch a Day, then he ſhall have Fee-ſimple: Here the *Condition* precedes the Eſtate in Fee-ſimple, and upon Performance of the *Condition*, gains the Fee-ſimple. *Condition ſubſequent* is, when one grants to *J. S.* his Manor of *Dale* in Fee-ſimple, upon *Condition*, That the Grantee ſhall pay to him at ſuch a Day 20 *li.* or elſe that his Eſtate ſhall ceaſe; here the *Condition* is *ſubſequent*, and following the Eſtate in Fee, and upon the Performance thereof continues the Eſtate. See more of this in *Co. lib.* 3. *f.* 64. and in *Lit. lib.* 3. *c.* 5. and *Perkins* in the laſt Title *Of Conditions.*

Cone and Key. *Bracton*, *lib.* 2, *c.* 37. *num.* 3. *Fœmina in tali ætate*, (*i. e.* 14 & 15 Annorum) *poteſt diſponere Domui ſuæ & habere* Cone & Key. *Colne*, in the *Saxons*, ſignifies *Calculus*, *Computus*; and *Key*, *Clavis.* So that a Woman was then held to be of competent Years, when ſhe was able to keep the *Accounts* and *Keys* of the Houſe: And *Glan. lib.* 7. *cap.* 9. hath ſomewhat to the ſame Purpoſe.

Confederacy (*Confœderatio*) is when two or more confederate or combine themſelves to do any Damage to another, or to commit any unlawful Act. And tho' a Writ of Conſpiracy does not lie, if the Party be not indicted, and in lawful Manner acquitted, for ſo are the Words of the Writ; yet falſe *Confederacy* between divers Perſons ſhall be puniſhed, tho' nothing be put in Execution; which appears by the Book of 27 *Aſſiſ. Placit.*

Placit. 44. where two were indicted of *Confederacy*, each to maintain other, whether their Matter were true or false; and tho' nothing were supposed to be put in Practice, the Parties were enjoined to answer, since the Thing is forbidden by Law. So in the next *Article*, in the same Book, Enquiry shall he made of *Conspirators* and *Confederators*, which bind themselves together, &c. This *Confederacy*, punishable by Law before it be executed, ought to have four Incidents: First, It must be declared by some Matter of Prosecution, as by making of Bonds or Promises the one to the other. Secondly, *Malicious*, as for unjust Revenge. Thirdly, It ought to be *false*, against an Innocent. Lastly, To be out of Court, voluntarily. *Terms de la Ley.*

Confession of Offence, Is, when a Prisoner is appealed or indicted of Treason or Felony, and brought to the Bar to be arraigned, and his Indictment is read unto him: And the Court demands what he can say thereto, then either he *confesses* the *Offence*, and the Indictment to be true, or estranging him from the *Offence*, pleads *Not guilty*, or else gives an indirect Answer, and so in Effect stands Mute. *Confession* may be made in two Sorts, and to two several Ends. The one is, He may *confess* the *Offence* whereof he is indicted openly in the Court, before the Judge, and submit himself to the Censure and Judgment of the Law, which *Confession* is the most certain Answer, and best Satisfaction that may be given to the Judge to condemn the *Offender*; so that it proceeds freely of his own accord, without any Threats, Force, or Extremity used: For if the *Confession* arise from any of these Causes, it ought not to be recorded. As if a Woman was indicted for the felonious Taking of Bread, to the Value of two Shillings, and being thereof arraigned, she *confest* the Felony, and said, That she did it by the Commandment of her Husband; and the Judges, in Pity, would not record her *Confession*, but caused her to plead *Not guilty* to the Felony; whereupon the Jury found, That she stole the Bread by Compulsion of her Husband, against her Will, for which Cause she was discharged. 27 *Assis. pl.* 50. The other Kind of *Confession* is, when the Prisoner *confesses* the Indictment to be true, and that he committed the *Offence* whereof he is indicted, and then becomes an Approver, that is, an Accuser of others, who have committed the same *Offence* whereof he is indicted, or other *Offences* with him; and then prays the Judge to have a Coroner assigned him, to whom he may make Relation of those *Offences*, and the full Circumstances thereof. There is also a third Kind of *Confession* made by an *Offender* in Felony, which is not in Court before the Judge, as the other two are; but before a Coroner in a Church, or other privileged Place, upon which the *Offender*, by the ancient Law of the Realm, was to abjure.

Confessor, *Confessarius*, *a Confessionibus*. The Priest, who received the auricular *Confession*, had the Title of *Confessor*. Though improperly; for he is rather the *Confessee*, being the Person passive, to whom the *Confession* is made, or at least the *Confessary*, who receives the *Confession*, or the *Confessionar*. This receiving the *Confession* of a Penitent, was in the old Engl. *to shreve*, or *to shrive*, Sax. *Scrifan*; whence the Party *confessed* was *Bescrifen*; whence our Engl. *Beshriev'd*, or looking like a *confessed* or *shriev'd* Person, imposed some uneasy Penance; Hence to *beshrew*, is to imprecate, or denounce the Curse of Sin as *Confession*. The act of *Confession* was called *Scrifde*, whence possibly to *shift* or shuffle in Discourse, like People who are ashamed or afraid to tell all their Faults. The most solemn Time of *confessing* was the Day before *Lent*, which from thence is still called *Shrove-Tuesday*.

Confirmation, *Confirmatio*, Cometh of the Verb *Confirmare*, *quod est firmum facere*; and therefore it is said, That *Confirmatio omnes supplet defectus, licet id quod actum est, ab initio non valuit. Co.* on *Lit. lib.* 3. *cap.* 9. *sect.* 515. It is a Conveyance of an Estate or Right *in esse*, whereby a voidable Estate is made sure and unavoidable, or whereby a particular Estate is increased. Nay, it is a strengthening of an Estate formerly, and yet voidable, though not presently void. For Example, a Bishop granteth his Chancellorship by Patent, for the Term of the Patentee's Life; this is no void Grant, but voidable by the Bishop's Death, except it be strengthened by the *Confirmation* of the Dean and Chapter. *Quælibet* Confirmatio *aut est perficiens, crescens aut diminuens.* 1. *Perficiens*, As if a Feoffee upon Condition make a Feoffment, and the Feoffor confirm the Estate of the second Feoffee: So if Disseisee confirm the Estate of the Disseisor, or his Feoffee. 2. *Crescens*, Doth always enlarge the Estate of a Tenant; as Tenant at Will, to hold for Years; or Tenant for Years, to hold for Life. 3. *Diminuens*, As when the Lord of whom the Land is holden, confirms the Estate of his Tenant, to hold by a less Rent. See more of this, *West. Symb. part.* 1. *lib.* 1. *sect.* 2. 500. *F. N. B. f.* 169, 226, 271. and *Lit. lib.* 3. *c.* 9. *Co.* 9. *Rep. Beaumont's* Case.

Confiscate, *Confiscatus*, May be derived either from the Lat. *Confiscare*, or the French *Confisquer*; that is, *in publicum aducere*: All these Words are drawn from *Fiscus*, which (as *Minshew* saith) originally signifieth a *Hamper* or *Basket*, but *Metonymically*, the Emperor's Treasure; because it was anciently kept in such Hampers. And tho' our King doth not put his Treasure in such Things; yet as the *Romans* have said, That such Goods as are forfeited to the Emperor, were *Bona Confiscata*; in like Manner do we say of such Goods as are forfeited to the King's *Exchequer*. And the Title to have these Goods is given to the King by such Law, when they are not claimed by some other. As if a Man be indicted, That he feloniously stole the Goods of another Man, when, in Truth they are the proper Goods of him indicted; and they are brought in Court against him as the Manner is, and he then asked, what he says to the said Goods, to which he disclaims; by this *Disclaimer* he shall lose the Goods, although that afterwards he be acquitted of the Felony, and the King shall have them as *confiscated*: But otherwise it is, if he do not disclaim them. The same Law is, where Goods are found in the Felon's Possession, which he disavow's, and afterwards is attainted of other Goods, and not of them, there the Goods which he disavows are *confiscate* to the King; but had he been attainted of the same Goods, they should have been said to be *forfeited* and not *confiscate*, notwithstanding his Disavowment. So if an Appeal of Rohbery be brought, and the Plaintiff leaves out some of his Goods, he shall not be received to enlarge his Appeal, and forasmuch as there is none to have the Goods so left out, the King shall have them as *confiscate*, according to the old Rule, *Quod non capit Christus, capit Fiscus.* And as in the Case aforesaid,

ſaid, the Law puniſhes the Owner for his Negligence, and Connivency; ſo alſo the Law abhors Malice in ſeeking the Life of any, without juſt Cauſe. And therefore if *A.* hath the Goods of *B.* by Delivery or Finding, and *B.* brings an Appeal againſt *A.* for taking them felonioufly, and it is found, That they were the Plaintiff's Goods, and that the Defendant came lawfully by them: In this Caſe the Goods are not *confiscate* to the King, becauſe of the falſe and malicious Appeal. See more in *Staundf. pl. cor. l.* 3. *ca.* 24. 3 *Inſt. f.* 227. Note, *confiſcare* and *forisfacere* are Synonyma's; and *Bona confiſcata* are *Bona forisfacta.*

Confrairie, *Confraternitas*, A Fraternity or Brotherhood, as the *Confrairie de St.* George, or *Les Chivaliers de la blue Gartier.* Selden.

Confreres, *Confratres*, Brethren in a religious Houſe, Fellows of one Society. 32 *H.* 8. *c.* 24.

Congeable, Cometh of the French *Conge*, that is, *Venia*; and ſignifies in our Common Law as much as lawful, or lawfully done, or done with Leave; as, *the Entry of the Diſſeiſe is* congeable, and ſo *Littleton* uſes it in his 410 *Section* and *Cro.* 2. *par. fol.* 31.

Conge d'Accorder, Signifies Leave to accord, or agree; it is mentioned in the *Statute of Fines*, 18 *E.* 3. in theſe Words, *When the Original Writ is delivered in Preſence of the Parties before the Juſtices, a Pleader ſhall ſay this*, Sir Juſtice, conge d'Accorder; *and the Juſtice ſhall ſay to him*, What ſaith Sir R. *and ſhall name one of the Parties*, &c.

Conge d'Elire, *Venia Eligendi*, Is *French*, and ſignifieth in our Common Law the King's Permiſſion Royal to a Dean and Chapter, in Time of Vacation, to chuſe a Biſhop; or to an Abbey or Priory of his own Foundation to chuſe the Abbot or Prior. *F. N. B. f.* 169, 170. Touching this Matter, *Gwin* in his *Preface to his Readings*, ſaith, *That the King of* England *as Sovereign Patron of all Archbiſhopricks, Biſhopricks, and other Eccleſiaſtical Benefices, had of ancient Time free Appointment of all Eccleſiaſtical Dignities, whenſoever they chanced to be void, inveſting them firſt*, per Baculum & Annulum, *and afterwards by his Letters Patent; and that in Proceſs of Time, he made the Election over to others, under certain Forms and Conditions; as, that they ſhould at every Vacation, before they chuſe, demand of the King* Conge d'Elire; *that is, Licence to proceed to Election, and then after the Election, to crave his Royal Aſſent*, &c. And further, he affirmeth by good Proof, out of Common Law Books, That King *John* was the firſt that granted this, and that it was afterwards confirmed by *Weſt.* 1. *cap.* 1. which *Statute* was made *An.* 3 *E.* 1. and again, by the *Stat. Articuli Cleri, cap.* 2. which was ordained, 25 *E.* 3. *Stat.* 3. It is certain all the Prelacies in *England* were conferred at the Pleaſure of the Prince, and the Perſons were inveſted by the King's Delivery of a Staff and Ring, till Archbiſh. *Anſelm* denied this Royal Prerogative, and prevailed with Pope *Paſchal* to abrogate this Cuſtom by a ſolemn *Canon.* After which, the firſt Biſhop who came in by a regular Election, was *Roger* Biſhop of *Salisbury*, in 3 *H.* 1. *An.* 1102.

Congildon. 'Tis mentioned in *Leg. Inæ, c.* 23. and ſignifies Joint-payment, or one who is a Companion with another in ſuch a Payment or Tribute.

Congius, an ancient Meaſure of ſix *Sextaries*; which is about a Gallon and a Pint. *Et reddat quinque* Congios *ceræ & unum Ydromelli, & triginta panes cum pertinentibus pulmentariis.* Charta Edmundi Regis de Anno 946. See *Sextary.*

Congleton. See *Condate.*

Conjectare, To contribute. *Waram & compoſitionem mortis* Conjectare. In Legibus Alured. cap. 21, & 32.

Coningeria, A *Cony-borow*, or Warren for Rabits.——*Item dicunt, quod idem Dominus poteſt capere in duabus* coningeriis *quas habet infra inſulam de* Vecta 100 *cuniculos per annum, & valet quilibet cuniculus ii. den.* —— Inquiſ. de Anno 47 Hen. 3. n. 32.

Coniſance. See *Cognizance.*

Coniſor. See *Cogniſor.*

Conjurare is where ſeveral confirm a Thing by Oath.

Conjuratio is an Oath; and *Conjuratus* is the ſame with *Conjurator, viz.* one who is bound by the ſame Oath. *Ernaldus Mareſcallus juratus idem dicit per omnia quod filius Andreæ* Conjuratus *ſuus*, &c. Mon. 1 Tom. pag. 207.

Conjuration, *Conjuratio*, Is a Compound of *con* and *juro*, and ſo it ſignifieth a Plot or Compact made by Men, combining themſelves together by Oath or Promiſe, to do any publick Harm: But in our Common Law it is ſpecially uſed for ſuch as have perſonal Conference with the Devil, or evil Spirits, to know any Secret, or to effect any Purpoſe. *Anno* 5 *Eliz. cap.* 16. And the Difference between *Conjuration* and *Witchcraft* ſeems to be this; That the one by Prayers and Invocations of God's powerful Names, compels the Devil to ſay or do what he commandeth him; the other dealeth rather by a friendly and voluntary Conference and Agreement between Him or Her and the Devil, or Familiar, to have Her or His Deſires, or Turns ſerved, in lieu of Blood or other Gift offered unto him, eſpecially of His or Her Soul. And both theſe differ from Enchantments or Sorceries, becauſe they are perſonal Conferences with the Devil, as is already ſaid; but theſe are but Medicines, and ceremonial Forms of Words, called commonly *Charms*, without Apparition.

Conovium Urbs, *Caerleon upon Conwey* in *Caermarthenſhire.*

Conovius Fluvius, *Conwey* in *Wales.*

Conreata Pellis, A Hide or Skin dreſſed, *a Conreatore*, by the *Currier.*——*Una* pellis *ovina ſigna datur* conreata, *valet unum denarium, obolum*; *una* Pellis *agnina ſigna datur* conreata, *valet i. den.* ——Regulæ compoti Domus de Farendon. MS.

Conredium, the ſame with *Corody*; which ſee. *Abbas & Monachi ejus loci per totum annum poſt obitum ſuum totum* Conredium (*ſicut in vita ſua perceperint*) *habere debent quod alicui indigenti pro anima ſua erogabitur.* Mon. 1 Tom. pag. 149.

Conſanguineo, Is a Writ, for the which ſee *Avo, & Reg. Orig. de Atavo, Proavo & Conſanguineo, f.* 226. *a.*

Conſervator, A delegated Umpire, or ſtanding Arbitrator, who as a third impartial Friend, was choſen or appointed a Guarentee to compoſe and adjuſt Differences, that ſhould ariſe between two other Parties. —— *Ego* Simon *Rector Eccleſiæ de* Heyford Warine——*ſubjiciendo me coercioni & compulſioni, civilibus Judicibus vel Delegatis, ſeu* Conſervatori, *quem dicti Religioſi & eorum ſucceſſores duxerint eligendum.* —— Paroch. Antiq. pag. 513.

Conſervator of the Truce and Safe-conducts, *Conſervator Induciarum & ſalvorum Regis conductuum*, was an Officer appointed in every Port of the Sea by the King's Letters Patent, and had 40 *l.* for his yearly Stipend at the leaſt. His Charge was to enquire of all Offences done againſt the King's *Truce and Safe conducts* upon the main Sea, out of the Liberties of the *Cinque-Ports*, as the Admirals cuſtomably were wont to do, and ſuch other Things as are declared in 2 *H.* 5. *cap.* 6. touching this Matter; read alſo the Statute of 4 *H.* 5. *c.* 7.

Conſervator of the Peace, *Conſervator vel Cuſtos Pacis*, Is he that hath an eſpecial Charge, by Virtue of his Office, to ſee the King's Peace kept; which *Peace Lambard* in Effect defineth to be a With-holding or Abſtinence from that injurious Force and Violence, which boiſterous and unruly Perſons are in their Natures prone to uſe towards others, were they not reſtrained by Laws, and Fear of Puniſhment. Of theſe *Conſervators* he farther ſaith thus, That before the Time of King *Edward* the Third, who firſt erected *Juſtices of Peace*, there were ſundry Perſons, that by the Common Law had Intereſt in keeping the *Peace*: Of thoſe ſome had that Charge, as incident to their Offices which they did bear, and ſo included within the ſame, that they were nevertheleſs called by the Name of their Office only: Some others had it ſimply, as of it ſelf, and were therefore named *Cuſtodes Pacis*, Wardens, or *Conſervators of the Peace*. The former and later Sort he again ſubdivideth, which read in his *Eirenarcha*, *lib.* 1. *cap.* 3. The Corporation of the great Level of the *Fens*, does conſiſt of a Governor, ſix Bailiffs, twenty *Conſervators* and Commonalty, as by Act of Parliament, 15 *Car.* 2. *cap.* 17. appears. The Chamberlain of *Cheſter* is a *Conſervator of the Peace* in that County, by Virtue of his Office. 4 *Inſt. fol.* 212. And Petty-Conſtables are by the Common Law *Conſervators of the Peace*, &c. *Conſervators* of the Privileges of the Hoſpitalers and Templers, &c. *Weſt.* 2. *cap.* 43. 4 *Inſt. fol.* 341.

Conſideratio Curiæ. 'Tis often mentioned in Law Pleadings; *Ideo* Conſideratum *eſt per* Curiam, *i. e.* 'Tis adjudged by the Court; for *Conſideratio Curiæ* is the Judgment of the Court, *viz.* as in *Matt. Pariſ. Addit. pa.* 97. *Semper paratus eſt ſtare ad* Conſiderationem *parium ſuorum*; and in the 2 *Mon. pa.* 221. *Abſtulit ei dictam terram per* Conſiderationem Curiæ *ſuæ*, &c.

Conſideration, *Conſideratio*, Is that with us which the *Greeks* called αντάλλαγμα, that is the material Cauſe of a Contract, without which it would not be effectual or binding. This *Conſideration* is either expreſt, as if a Man bargain to give twenty Shillings for a Horſe; or elſe implied, as when the Law it ſelf enforceth a *Conſideration*; as if a Man come into a common Inn, and there ſtaying ſome Time, taking both Meat and Lodging for himſelf and his Horſe, the Law preſumeth that he intends to pay for both, though nothing be farther covenanted between him and his Hoſt. And therefore if he diſcharge not the Houſe, the Hoſt may ſtay his Horſe. *Fulbeck's Paral. tract. Contracts, fol.* 6. Alſo there is a *Conſideration* of Nature and Blood, and valuable *Conſideration*: And therefore if a Man be indebted to divers others, and yet in *Conſideration* of natural Affection, gives all his Goods to his Son or Couſin, this ſhall be conſtrued a fraudulent Gift, within the Act of 13 *El. c.* 5. becauſe this Act intends a valuable *Conſideration*.

Conſilium (*Dies Conſilii*) was a Time allowed for the Accuſed to make his Defence, and anſwer the Charge of the Accuſer. *In aliis quærat accuſatus* Conſilium, & *habeat ab amicis & paribus ſuis, quod nullo jure debet defendi*, &c. Leges H. 1. c. 46. And in the next Chapter, *Si quis a juſtitia Regis implacitatus ad* Conſilium *exierit*.

Conſiſtor, a Magiſtrate ſo called; as, *Teſtibus Rogero de Gant, Willielmo* Conſiſtorê *Ceſtriæ*, &c.

Conſiſtory (*Conſiſtorium*) ſignifies as much as *Prætorium*, or Tribunal. It is commonly uſed for a Council-Houſe of Eccleſiaſtical Perſons, or the Place of Juſtice in the Court-Chriſtian; a Seſſion or Aſſembly of Prelates. Every Archbiſhop and Biſhop of every Dioceſe, hath a *Conſiſtory Court* held before his Chancellor or Commiſſary in his Cathedral Church, or other convenient Place of his Dioceſe, for Eccleſiaſtical Cauſes. See 3 *Inſt. fol.* 338. ——— *Sciatis vos omnes & cæteri Dei fideles, qui in Anglia manent, quod Epiſcopales Leges, quæ non bene ſecundum Sanctorum Canonum præcepta, uſque ad meæ tempora, in Regno Anglorum fuerunt, communi Concilio Archiepiſcoporum meorum & cæterorum Epiſcoporum & Abbatum & omnium Principum Regni mei, emendendas judicavi. Propterea mando & Regia Authoritate præcipio, ut nullus Epiſcopus vel Archidiaconus de Legibus Epiſcopalibus amplius in* Hundret *placita teneant, nec cauſam, quæ ad regimen animarum pertinet, ad judicium ſecularium hominum adducant*, &c. This Law, made by the *Conqueror*, ſeems to give the Original of the *Biſhop's Conſiſtory*, as it ſits with us divided from the *Hundred* or *County-Court*, wherewith in the *Saxon* Time it was joined. And, in the ſame Law of his, is further added, *Hoc etiam defendo, ut nullus laicus homo de Legibus quæ ad Epiſcopum pertinent, ſe intromittat*, &c. Selden's Hiſt. of Tithes, p. 413, 414.

Conſolidation, *Conſolidatio*, It is uſed for uniting two Benefices in one. *Broke*, Tit. *Union*, and *Anno* 37 *H.* 8. *c.* 21. This is taken from the Civil Law, where it ſignifies properly an Uniting of the Poſſeſſion or Profit with the Property. For Example, if a Man have by Legacy *Uſum-fructum fundi*, and afterward buy the Property or Fee-ſimple of the Heir, *Hoc caſu* conſolidatio *fieri dicitur*. See *Union* and *Unity of Poſſeſſion*, and the Stat. 22 *Car.* 2. *cap.* 11.

Conſpiracy, *Conſpiratio*, Though both in *Latin* and *French* it is uſed for an Agreement of Men, to do any Thing either good or bad; yet in Common Law it is always taken *in pejorem partem*. It is defined *Anno* 33 *E.* 1. *Stat.* 2. to be an Agreement of ſuch as do confeder, and bind themſelves by Oath, Covenant, or other Allianee, That every one of them ſhall bear and aid the other, falſly and maliciouſly to indict, or falſly to move or maintain Pleas, and alſo ſuch as cauſe Children within Age, to appeal Men of Felony, whereby they are impriſoned, and ſo grieved; and ſuch as retain Men in the Countries with Liveries or Fees, to maintain their malicious Enterpriſes. And this extendeth as well to the Takers, as to the Givers. And Stewards and Bailiffs of great Lords, which by their Seigniory, Office, or Power, undertake to bear or maintain Quarels, Pleas or Debates, that concern other Parties, than ſuch as touch the Eſtate of their Lords, or themſelves. See 4 *E.* 3. *cap.* 11. 3 *H.* 7. *c.* 13. and alſo 1 *H.* 5. *c.* 3. and 18 *H.* 6. *c.* 12. and the *New Book of Entries*, *verb. Conſpiracy*. In the Places before-mentioned, *Conſpiracy* is taken more generally,

rally, and is confounded with *Maintenance* and *Champerty*: But in a more ſpecial Signification, it is taken for a *Confederacy* of two at the leaſt, falſly to indict one, or to procure one to be indicted of Felony. And the Puniſhment of *Conſpiracy*, upon an Indictment of Felony, at the King's Suit, is that the Party attainted, loſe his *Frank-Law*, to the Intent that he be not empannelled upon Juries of Aſſiſes, or ſuch like Employments, for the teſtifying of Truth. And if he have to do with the King's Court, that he make his Attorney, and that his Lands, Goods and Chattels be ſeiſed into the King's Hands, his Lands eſtreated, his Trees roſed, and his Body committed to Priſon. 27 *Aſſ.* 59. *Cromp. Juſt. of Peace, fol.* 156. *b.* This is called *Villanous Judgment.* See *Villanous Judgment.* But if the Party grieved ſue upon the Writ of *Conſpiracy*, then ſee *F. N. B. fol.* 114, 115. *Conſpiracy* may be alſo in Caſes of leſs Weight, *idem, fol.* 116, *&c.* As *Conſpiracies* made by Victuallers, touching ſelling of Victuals ſhall be grievouſly puniſhed. See 37 *H.* 8. 23. and 3 *part. Inſt. fol.* 143. See *Frank-Law.*

Conſpiratione, Is a Writ that lies againſt *Conſpirators. F. N. B. fol.* 114. *d. Cromp. de Juriſd. d. f.* 209. See alſo the *Regiſter, f.* 134.

Conſpirators are (according to the Statute) Thoſe that do confeder, or bind themſelves by Oath, Covenant, or other Alliance, that every of them ſhall aid and bear the other falſly and maliciouſly to indite, or cauſe to indite, or falſly to move or maintain Pleas: And alſo ſuch as cauſe Children, within Age, to appeal Men of Felony, whereby they are impriſoned, and ſore grieved; and ſuch as retain Men in the Country, with Liberties or Fees to maintain their malicious Enterpriſes: And this extendeth as well to the Takers, as to the Givers. And Stewards and Bailiffs of great Lords, which by their Seigniory, Office, or Power, undertake to bear or maintain Quarrels, Pleas, or Debates, that concern other Parties than ſuch as touch the Eſtate of their Lords, or themſelves. An. 33 Ed. 1. Stat. 2. —— 2 Part. Inſt. f. 384, and 562.

Conſtable (*Conſtabularius*) is a *Saxon* Word compounded of *Cyning*, or *Cyng*, and *Staple*, which ſignify the Stay and Hold of the King. *Lamb. Duty of* Conſtables, *num.* 4. But I have ſeen it derived from *Comes Stabuli*, which ſeems more probable; becauſe we had this Officer, and many others, from the *Caſarean Laws* and Cuſtoms of the Empire, as well as from the *Saxons*. But this Dignity, which originally was to take Care of the King's Stables, was afterwards made military; and the *Comes Stabuli* was then the chief General, called by our *Saxon* Anceſtors *Heretochii.*

The Word is diverſly uſed: Firſt, for the *Conſtable of England*; of whoſe great Dignity and Authority we find many Proofs in our Statutes and Chronicles. His Function conſiſts in the Care of the common Peace of the Land, in Deeds of Arms, and Matters of War. *Lamb. ubi ſupra.* With whom agrees the Statute of 13 *R.* 2. *cap.* 2. *Stat.* 1. which ſays, To the Court of the *Conſtable* and Marſhal it appertains to have the Conuſance of Contracts and Deeds of Arms and of War out of the Realm, and alſo of Things that touch War within, as Combats, Blaſonry of Arms, *&c.* But it may not meddle with Battle in Appeals, nor generally with any other Thing that may be tried by the Laws of the Land. See *Forteſcue, cap.* 32. and 4 *Inſt. fol.* 123. and eſpecially *Pryn's Animad. on* 4 *Inſt. fol.* 71. Anciently he was called *Princeps Militiæ Domus Regis.*

The *Conſtable of England* was firſt created by *William* the Conqueror, and continued till the 13 *H.* 8. It was an Hereditary Dignity, and deſcended to Females; and the *Conſtable* held ſeveral Manors of the King, as being *Conſtable of England.* But it being ſo powerful a Dignity, it became troubleſome to the Crown, and therefore was laid aſide by *Henry* VIII. and not created ſince, but upon particular Occaſions.

Out of this High Magiſtracy of *Conſtable of England*, (ſays *Lambard*,) were drawn thoſe inferior *Conſtables*, which we call *Conſtables of Hundreds* and *Franchiſes*; and firſt ordained by the Statute of *Winchester*, 13 *Ed.* 1. which appoints, for Conſervation of the Peace, and View of Armour, two *Conſtables* in every Hundred and Franchiſe, who in *Latin* are called *Conſtabularii Capitales, High Conſtables*; becauſe Continuance of Time, and Increaſe both of People and Offences, hath under theſe made others in every Town called *Petit Conſtables*, in *Latin Sub-Conſtabularii*, which are of like Nature, but of inferior Authority to the other. The making a *Petty Conſtable* belongs to the Lords of divers Manors, *Jure Feudi.* Of theſe read *Smith de Rep. Angl. lib.* 2. *c.* 22. Beſides, theſe, there are Officers of particular Places, called by this Name, as *Conſtable of the Tower. Staundf. Pl. Cor. fol.* 152. *Anno* 1 *H.* 4. *c.* 13. *Conſtable of the Exchequer, Anno* 51 *H.* 3. *Stat.* 5. *Conſtable of* Dover *Caſtle, Cam. Britan. pag.* 239. *Conſtable* of the Caſtle of *Windſor*; *Conſtable* of the Caſtle of *Carnarvon*; *Conſtable* of the Caſtle of *Conway*; *Conſtable* of the Caſtle of *Hardlaigh*, in the County of *Merioneth*; *Conſtable* of the Caſtle of *Beaumaris*, *Conſtable* of the Caſtle of *Caermarthen*; *Conſtable* of the Caſtle of *Cardigan*; *Conſtable* of the Caſtle of *Lanceſton*; *Conſtables* of the Caſtles of *Rothlan, Cheſter*, and *Flint*, *&c. Conſtable* of the Caſtle of *London*, (for ſo *Baynard's* Caſtle was anciently called,) and *Robert Fitz-Walter* was *Conſtable* thereof, and Banner-bearer of that City by Inheritance. But theſe are *Caſtellani* properly, as *Lambard* notes, though confounded in Name with the other. See the Statute *Anno* 32 *H.* 8. *cap.* 38. —— *Manwood, par.* 1. *cap.* 13. mentions a *Conſtable* of the *Foreſt.* And *Henry Lord Beaumont* was *Conſtable* of the King's Army. 10 *E.* 3. *Baronage of England,* 2 *Part, f.* 51 *b.*

Conſtat, *Lat.* is the Name of a Certificate, which the Clerk of the *Pipe*, and Auditors of the *Exchequer*, make at the Requeſt of any Perſon who intends to plead or move in that Court, for Diſcharge of any Thing. *Anno* 3 *&* 4 *E.* 6. *c.* 4. and 13 *Eliz. c.* 6. The Effect of a *Conſtat* is the Certifying what does *conſtare* upon Record, touching the Matter in Queſtion; and the Auditor's Fee for it is 13*s.* 4*d.*

A *Conſtat* is held to be ſuperior to a *Certificate*; becauſe this may err or fail in its Contents, that cannot; as certifying nothing but what is evident upon *Record.* Alſo the Exemplification under the Great Seal of the Inrolment of any Letters Patent is called a *Conſtat. Coke on Littl. fol.* 225. *b.* The Difference between a *Conſtat, Inſpeximus*, and *Vidimus*, you may read at large in *Page's* Caſe. 5 *Report.*

Conſuetudinarius, *i. e.* a Ritual or Book, containing the Rites and Forms of Divine Offices, or the Cuſtoms of Abbies and Monaſteries. 'Tis men-

mentioned in *Brompton*, who writing of *Osmond*, Bishop of *Salisbury*, tells us, that *Composuit ordinalem Ecclesiastici officii quem* Consuetudinarium *vocant.*

Consuetudinibus & Serviciis is a Writ of Right Close, which lies against the Tenant that deforceth his Lord of the Rent or Service due to him. Of this see more in *Old Nat. Br. fol.* 77. *Fitz. Nat. Br. fol.* 151. and *Reg. of Writs, fol.* 159.

Consuetudo, *Dies de Consuetudine*, A Day's Work to be done for the Lord, as a customary Service by the Tenant. ——— i. e. *debent redditum & quinque dies de* consuetudine ——— *i. e.* Five Days Work in a Year. *Paroch. Antiq. pag.* 229.

Consul, in our Law Books, signifies an Earl: For *Bracton, lib.* 1. *cap.* 8. tells us, that as *Comes* is derived from *Comitatu, sive a Societate*, so *Consul* is derived from *Consulendo*; *Reges enim tales sibi associant ad* Consulendum *& regendum populum Dei.* So in the Laws of *Edward* the Confessor, *c.* 2. *Quod modo vocatur* Comitatus, *olim apud Britones temporibus Romanorum vocabatur* Consulatus, *& qui modo* Vicecomites, *tunc temporis* Viceconsules *vocabantur.*

Consulta Ecclesia. A Church full, or provided for. ——*Abbas dicit quod prædicta Ecclesia est* consulta *de ipso Abbate & conventu qui eam tenent in propios usus.* ——— Cartular. Radinges, MS. *fol.* 211. a.

Consultation, *Consultatio*, Is a Writ whereby a Cause being formerly removed by Prohibition from the Ecclesiastical Court, or Court Christian, to the King's Court, is returned thither again; for the Judges of the King's Court, if upon comparing the Libel with the Suggestion of the Party, they do find the Suggestion false, or not proved, and therefore the Cause to be wrongfully called from Court Christian, then upon this *Consultation* or *Deliberation*, they decree it to be returned again: Whereupon the Writ in this Case obtained, is called a *Consultation.* Of this you may read the *Reg. Orig.* 44, 45. *usque ad* 58. *Old Nat. Brev. fol.* 32. *F. N. B. f.* 50. See also the Statute of the Writ of *Consultation, Anno* 24 *Ed.* 1. and 1 *Inst. fol.* 105.

Contenement (*Contenementum*, as, ——— *Salvo contenemento suo*) signifies his Countenance, Credit, or Reputation, which he hath, together with and by reason of his Freehold. And in this Sense does the Statute of 1 *E.* 3. and 34 *E.* 3. *c.* 7. and *Old Nat. Br.* use it, where *Countenance* is used for *Contenement.* The Armour of a Soldier is his Countenance; the Books of a Scholar, his Countenance, and the like. *Coke*, 2 *Part. Inst. fol.* 28. *Bracton, lib.* 3. *Tract.* 2. *cap.* 1. *num.* 3. And Sir *Henry Spelman* says, *Contenementum est æstimatio & conditionis forma, qua quis in Repub. subsistit.*

But I rather think that *Contenement* signifies that which is necessary for the Support and Maintenance of Men according to their several Qualities, Conditions, or State of Life: For in *Magna Charta, cap.* 14. you have these Words, *A Freeman shall not be amerced for a small Fault, but after the Quantity of the Fault, and for a great Fault after the Manner thereof, saving to him his* Contenement, *or Freehold. And a Merchant likewise shall be amerced, saving to him his Merchandises; and a Villain, saving to him his Waynage.* And *Bracton, lib.* 3. *tract.* 2. *cap.* 1. *nu.* 3. hath these Words, *Et sciendum quod miles & liber homo non amerciabitur nisi secundum modum delicti, secundum quod delictum fuit magnum vel parvum, & salvo* contenemento *suo, mercator vero non nisi salva Merchandisa sua, & villanus nisi salvo Wainagio:* Which *Mercy* seemeth to have been learned from the Civil Law, where *Executio non potest fieri in boves, aratra, aliave instrumenta rusticorum.*

Contingent Use, Is such a *Use* as by the Limitation may, or may not happen to vest. Of which you may read to further Satisfaction in *Chudleigh's* Case. *Coke, Rep.* 1.

Continual Claim, It is a *Claim* made from Time to Time within every Year and Day, to Land or other Thing, which, in some respect, we cannot attain without Danger. As if I be disseised of Land, into which, though I have Right unto it, I dare not enter, for fear of Death or Beating. It behoveth me to hold on my Right of Entry at the best Opportunity of me and mine Heir, by approaching as near it as I can once every Year, as long as I live; and so I save the Right of Entry to my Heir. *Termes de la Ley.* Again, If I have a Slave or Villain broken from me, and remaining any where within the ancient *Demesne* of the King, being in the Hands of the King, I cannot maintain the Writ *De Nativo Habendo*, as long as he continueth there; but if I *claim* him within the Year and Day, and so continue my *Claim*, until I can find him without that Compass, I may lawfully lay hold of him as mine own. *F. N. B. fol.* 7. 9. See more in *Lit. verb. Continual Claim.* And the *New Book of Entries*, *Tit. Eodem*; and *Fleta, lib.* 6. *cap.* 53. See *Littl. lib.* 3. *cap.* 7. and *Stat.* 32 *Hen.* 8. *cap.* 33.

Continuance is as *Prorogatio* in the Civil Law: Example; *Continuance* until the next Assise. *Fitz. Nat. Br. fol.* 154. *F.* and 244. *D.* in both which Places it is said, If a Record in the Treasury be alledged by the one Party, and denied by the other, a *Certiorari* shall be sued to the Treasurer, and the Chamberlain of the *Exchequer*; who, if they certify not in the *Chancery* that such a Record is there, or that it is likely to be in the *Tower*, the King shall send to the Justices, repeating the Certificate, and will them to *continue* the Assise. In this Signification it is likewise used by *Kitchin, fol.* 202, and 199. and *an.* 11 *H.* 6. *ca.* 4. And *Continuance of a Writ* or *Action* is from one Term to another, in Case where the Sheriff hath not returned or executed a former Writ, issued out in the said Action.

Continuando is a Word used in a special Declaration of Trespass, when the Plaintiff would recover Damages for several Trespasses in the same Action: For, to avoid Multiplicity of Suits, a Man may in one Action of Trespass recover Damages for forty or more Trespasses; laying the first to be done with a *Continuance* to the whole Time in which the rest of the Trespasses were done; and is in this Form, *Continuando transgressionem prædictam, &c. a prædicto die, &c. usque* such another Day, including the last Trespass.

Contours. See *Countors.*

Contrabanded Goods (from *Contra*, and the Ital. *Bando*, an Edict or Proclamation) are those which are prohibited by Act of Parliament, or the King's Proclamation, to be imported into, or exported out of this or other Nations.

Contracausator, *i. e.* a Criminal, or one prosecuted for a Crime. 'Tis mentioned in *Leg. H.* 1. *cap.* 61.

Contract, Is a Covenant, or Agreement with a lawful Conſideration or Cauſe. *Weſt. Symb. part.* 1. *lib.* 1. *ſect.* 10. or elſe one Thing muſt be given for another, which is called *Quid pro Quo*; as if I ſell my Horſe for Money, or covenant to make you a Leaſe of my Manor of *Dale*, in Conſideration of twenty Pounds; theſe are *Good Contracts*, becauſe one Thing is given for another. But if a Man make Promiſe to me, That I ſhall have twenty Shillings, and that he will be Debtor to me thereof, and after I ask the twenty Shillings, and he will not deliver it; yet I ſhall never have an Action to recover, becauſe the Promiſe was no *Contract*, but a bare Promiſe; and, *ex nudo Pacto non oritur Actio.* But if any Thing were given for the twenty Shillings, tho' it were but to the Value of a Penny, then had it been a *Good Contract*. *Uſurious Contract* is a *Contract* to pay more Intereſt for Money than the Laws and Statutes of this Realm allow. It is a *Devaſtavit* in an Executor to pay a Debt upon an *Uſurious Contract*. *Noy's Reports. f.* 129.

Contrafactio, Counterfeiting. As *Contrafactio Sigilli Regis*, Counterfeiting the King's Seal.

Contra formam Collationis, Is a Writ that lies, where a Man hath given Lands in perpetual Alms to any late Houſes of Religion, as to an Abbot and Covent, or to the Warden or Maſter of any *Hoſpital*, and his Covent, to find certain poor Men, and do other Divine Service; if they alien the Land, then the Donor or his Heirs ſhall have the ſaid Writ to recover the Lands. But this Writ ſhall be always brought againſt the Abbot, or his Succeſſor, and not againſt the Alienee, altho' he be Tenant; but in all other Actions, where a Man demands Freehold, the Writ ſhall be brought againſt the Tenant of the Land. This is founded upon the *Stat.* of *Weſtm.* 2. *c.* 1. And of this ſee *Reg. Orig. f.* 238. and *F. N. B. fol.* 210.

Contra formam Feoffamenti, Is a Writ that lies for the Heir of a Tenant, infeoffed of certain Lands or Tenements, by Charter of *Feoffment* of a Lord, to make certain Services and Suits to his Court, and is afterwards diſtrained for more than is contained in the ſaid Charter. *Reg. Orig. f.* 176. *Old Nat. Brev.* 162. This Writ lies not for the Plaintiff, who claims by Purchaſe from the firſt Feoffee, but for the Heir to the firſt Feoffee.

Contramandatio Placiti. In Leg. *H.* 8. *c.* 59. It ſeems to ſignify a Reſpiting or Giving the Defendant further Time to anſwer: An Imparlance or Countermanding what was formerly ordered.

Contramandatum is a lawful Excuſe which the Defendant by his Attorney alledgeth for himſelf, to ſhew that the Plaintiff hath no Cauſe to complain. *Si dies placiti ſit* Contramandatus. Leges H. t. c. 59.

Contrapoſitio, a Plea or Anſwer. *Si quis in placito per juſtitiam poſito ſui vel ſuorum cauſam injuſtis Conterminationibus vel* Contrapoſitionibus *differciet, hanc perdat.* Leg. H. 1. c. 34.

Contrarients. *Thomas* Earl of *Lancaſter*, taking Part with the *Barons* againſt King *Edward* the Second, it was not thought fit in reſpect of their Power, to call them Rebels or Traitors, but *Contrarients*: And accordingly we have a Record of thoſe Times, called *Rotulus Contrarientium.*

Contratenere, To with hold. *Si quis decimas* contrateneat. Leg. Alfredi apud Brompton, cap. 9.

Contribules, (*Contribunales*,) Kindred, or Couſins. *Si quiſquam cognationis ſuæ firmet eum poſtea, reus ſit omnium quæ habebit erga Regem, & portet faidam erga* contribunales *mortui*; that is, Let him be accounted as an Enemy to the Kindred of the dead Man. *Lamb. pag.* 75.

Contributione faciendâ, Is a Writ that lieth where more are bound to one Thing, and yet one is put to the Burden. *Fitz. Nat. Brev. fol.* 162. bringeth theſe Examples, If Joint-Tenants, or Tenants in Common, hold a Mill *pro indiviſo*, and equally take the Profits thereof, the Mill falling to decay, and one or more of them refuſing to contribute towards the Reparation, the reſt ſhall have this Writ to compel them. And if there be three Copareeners of Land that owe Suit to the Lord's Court, and the Eldeſt perform the Whole, then may ſhe have this Writ to compel the other two to a *Contribution* of the Charge, or to one of them, if one only refuſe. The *Old Nat. Brev.* frameth this Writ to a Caſe, where one only Suit is required for Land, and that Land being ſold to divers, Suit is required of them all, or ſome of them by diſtreſs, as intirely as if all were ſtill in one, *fol.* 103. See *Reg. Orig. fol.* 176.

Controller, *Contrarotulator*, cometh of the French *Contrerouleur*, *Antigraphus*, which in *Rome* was us'd for him, *Cui id muneris injunctum erat, ut obſervet pecuniam, quam in uſum Principis vel Civitatis collegerunt exactores.* Budæus in Annot. prio. in Pand. Tit. *De Quæſtoris Officio.* In *England* we have divers Officers of this Name, as *Controller of the King's Houſe*, Staundf. pl. cor. f. 52. & 6 H. 4. 3. *Controller of the King's Navy*, 35 El. cap. 4. *Controller of the Cuſtoms.* Cromp. Juriſd. f. 105. *Controller of Calais.* 21 R. 2. cap. 18. *Controller of the Mint.* 2 H. 6. 12. *Controller of the Caſtle of* Cheſter. *Controller of* North Wales. *Controller of the Exciſe*, &c.

Controller of the Hamper, who is an Officer in the *Chancery*, daily attending in Term-Time on the Lord *Chancellor*, or Lord *Keeper*, to take all Things ſealed from the *Clerk of the Hamper*, to note the juſt Number and Effect of all Things ſo received, and to enter the ſame into a ſpecial Book, with all the Duties appertaining to his Majeſty, and other Officers for the ſame, and ſo chargeth the *Clerk of the Hamper* thereof.

Controller of the Pipe, *Contrarotulator Pipæ*, is an Officer of the *Exchequer*, that writeth out Summons twice every Year to the Sheriffs, to levy the Farms and Debts of the *Pipe*; and alſo keepeth a *Contra-rollment* of the *Pipe.*

Controller of the Pell, is another Officer of the *Exchequer*, of which Sort there be two, *viz.* The two Chamberlains Clerks, that do, or ſhould keep a *Controllment of the Pell of Receipts and Goings out.* See *Fleta*, *lib.* 1. *cap.* 18. and 12 *E.* 3. *ca.* 3. who ſay, This Officer was originally one that took Notes of any other Officer's Accounts of Receipts, to the Intent to diſcover him, if he dealt amiſs; and was ordained for the Prince's better Security, however the ſame ſince may be in ſome Things otherwiſe apply'd.

Controuor, French *Controuveur*, He that of his own Head deviſes or invents falſe or feigned News. 2 *Inſt. f.* 227.

Convenable, *Fr.* Agrecable, Suitable, Convenient, or Fitting. *Anno* 27 *Ed.* 3. *Stat.* 2. *c.* 21. and 2 *H.* 6. *c.* 2. See *Covenable.*

Covennos Insula, *Convey* at the Mouth of the *Thames.*

Conventicle, (*Conventiculum,*) a little private Assembly or Meeting for the Exercise of Religion; first attributed in Disgrace to the Schools of *Wickliff* in this Nation, above 200 Years since, and now applied to the illegal Meetings of the Non-conformists, and is mentioned in the Stat. 2 *H.* 4. *c.* 15. 1 *H.* 6. *c.* 3. 16 *Car.* 2. *c.* 4. & 22 *ejusdem, cap.* 1.

Conventio is a Word much used both in ancient and modern Law-Pleadings for an Agreement or Covenant. For Example take this pleasant Record:

Ex libro Rotulorum Curiæ Manerii de Hatfield (juxta Insulam de Axholme) in Com. Ebor.

Curia tenta apud *Hatfield* die Mercurii prox. post Festum ——— Ann. xi. Ed. 3.

RObertus de Roderham *qui optulit se versus* Johannem de Ithen *de eo quod non teneat* Conventionem *inter eos factam, & unde queritur, quod certo die & anno apud* Thorne *convenit inter prædictum* Robertum & Johannem, *quod prædictus* Johannes *vendidit prædicto* Roberto *Diabolum ligatum in quodam ligamine pro* iii. ob. *& super eo prædictus* Robertus *tradidit prædicto* Jonanni *quoddam* obolum-earles (*i.* Earnest-Money) *per quod proprietas dicti Diaboli commoratur in persona dicti* Roberti *ad habendam deliberationem dicti Diaboli, infra quartam diem prox. sequent. Ad quam diem idem* Robertus *venit ad præfatum* Johannem, *& petit deliberationem dicti Diaboli, secundum* Conventionem *inter eos factam; idem* Johannes *prædictum Diabolum deliberare noluit, nec adhuc vult, &c. ad grave dampnum ipsius* Roberti lxs. *Et inde producit sectam, &c. Et prædictus* Johannes *venit, &c. & non dedicit* Conventionem *prædictam. Et quia videtur Curiæ quod tale placitum non jacet inter Christianos, Ideo partes prædicti adjournantur usque in Infernum, ad audiendum judicium suum, & utraque pars in misericordia, &c. Per Willielmum de Scargell Seneschallum.*

Convention, Is a Writ that lieth for any Covenant in Writing not performed. *Reg. Orig. fol.* 185. *Old Nat. Brev. fol.* 101. *Fitzherbert* calls it *A Writ of Covenant. Nat. Brev. f.* 145. where he divideth *Covenants* into Personal and Real, making a large Discourse of them both; as also how this Writ lieth for both.

Conventuals, Are religious Persons united together in a Covent, or House of Religion. See *Fryer Observant.*

Conventual Church. See *Parish.*

Converzors. The Jews here in *England* were formerly called *Conversos, viz.* because they were converted to the Christian Religion. *Henry* III. built an House for them in *London*, and allowed them a competent Provision or Subsistance for their Lives; and this House was called *Domus Conversorum.* 'Tis mentioned by our Historians *Matt. Paris.* and *Matt. Westm. Anno* 1244. But by Reason of the vast Expences of the Wars, and the Increase of these Converts, they became a Burthen to the Crown; and therefore they were placed in Abbies and Monasteries for their Support and Maintenance. But the Jews being afterwards banished, *Edward* III. in the fifty-first Year of his Reign, gave this House for the Keeping of the Rolls; and 'tis the same which is at this Time enjoy'd by the Master of the Rolls.

Convicaneus, *i. e.* one of the same Street or Parish. *Populus autem istic vadit ad conditum Episcopi, quo & cæteri ejus* Convicanei *vadunt.*

Convict, *Convictus,* Is he that is found guilty of an Offence by Verdict of the Jury. *Staundf. pl. cor. f.* 186. Yet *Crompton* out of *Dyer, fol.* 275. saith, That *Conviction* is, either when a Man is outlawed, or appeareth and confesseth, or else is found guilty by the Inquest. *Cromp. Just. of Peace, f.* 9. *a. Conviction* and *Attainder* are often confounded. See *Attaint* and *Attainted.*

A Convict Recusant, Is one that hath been legally presented, indicted, and *Convict* for refusing to come to Church to hear the *Common Prayer*, according to the several Statutes of 1 *El.* 2. 23 *El.* 1. and 3 *Jac.* 4. This Term is generally given to *Papists*, tho' any other refusing to come to Church in like Manner, are as properly *Recusants.* See *Jury.*

Convivium signifies the same Thing amongst the Laity, as *procuratio* doth amongst the Clergy; *i. e.* when the Tenant, by reason of his Tenure, is bound to provide Meat and Drink for his Lord once or oftner in the Year. *Potentibus vero non causa convivandi, sed pro Monasterii utilitate quoties expedierit, obviandi intra infraque Monasterium licentiam habent.* Selden in Eadmer. p. 150.

Convocation (*Convocatio*) is the Assembly of all the Clergy to consult of Ecclesiastical Matters in Time of Parliament: And as there are two Houses of Parliament, so are there two Houses of *Convocation*; the one called the *Higher Convocation-House*, where all the Archbishops and Bishops sit severally by themselves; the other *The Lower Convocation-House*, where all the rest of the Clergy sit; that is, all the Deans and Archdeacons, one Proctor for every Chapter, and two Proctors for all the Clergy of each Dioecse: In all 166 Persons. *Anno* 25 *H.* 8. *c.* 19. See *Prolocutor.*

Conus, Coin. *Eos etiam qui* Conos *faciunt in occultis & vendunt falsariis pro pecunia.* Leg. Ethelredi, cap. 36.

Conusance. See *Cognisance.*

Conusant, Knowing or understanding; as, *if the Son be* conusant, *and agree to the Feoffment, &c. Co.* on *Lit. f.* 159. *b.*

Conusor. See *Cognizor.*

Conwey. See *Convoius.*

Coopertio Arborum, The Bark of Trees. —— *Debent habere retro panagium a Festo Sancti* Martini, *usque ad Festum* Purificationis *Beatæ* Mariæ, & *omnes* coopertiones *de maeremio prostrato,* (*i. e.* all the Bark of Timber-Trees felled) *ad opus Domini Regis. Blount* of Tenures, pa. 189. who by Mistake renders *Coopertiones* Coverings or Crops of Timber. The same Word occurs in the *Additaments to Matthew Paris.* ——— *Inquiratur qui ceperint* coopertiones, *ceppagia & escaetas quercuum, sive aliarum arborum* (*i. e.* the Barks, the Chumps, and the broken Wood) though Dr. *Watts*, in his Glossary, does unhappily interpret *Coopertiones* to be the Heads and Boughs of Trees. And the Elaborate *Du Fresne* is as much in the Dark for the Sense of this Word. *Quercus discooperta*, is an Oak debark'd.

Cooper-

Coopertorium, *i. e.* Culmen. *Conceſſi eiſdem fragium, focalia, & Coopertia ſufficientia in omnibus mariſcis & communibus villæ.* Monaſt. 2 Tom. pag. 813.

Coopertorium Pellium. ——— *In Pelliaria ſunt Pelles &* Coopertorium, *una Pellis ovina ſiqua datur conreata valet i. den. ob.* ——— *unum* Coopertorium Pellium *ovium quod grangiis liberatur valet xii. den.* Regulæ compoti Domus de Farendon. MS.

Coopertorium ad lectum, A Blanket, a Coverlet. ——— *Inter conſuetudines Abbatiæ* Glaſtonienſis, ——— *habere debet in Cœna Domini unuſquiſque diurnales ſotulares, & in hieme nocturnales, & duo* coopertoria *ad lectum.* Cartular Abbar. Glaſton. MS. f. 10.

Coopertura, a Thicket or Covert of Wood. *Charta de Foreſta, cap.* 12. *Equus Coopertus*, a Horſe covered or harneſſed.

Coparceners, *Participes*, are otherwiſe called *Parcerners*, and in Common Law are ſuch as have equal Portion in the Inheritance of their Anceſtor; and as *Littleton* in the Beginning of his third Book ſaith, *Parceners* be either by *Law*, or by *Cuſtom: Parceners by Law*, are the Iſſue Female, which (no Heir Male being) come in Equality to the Lands of their Anceſtors. *Bro. lib.* 2. *cap.* 30. *Parceners by Cuſtom*, are thoſe that by Cuſtom of the Country challenge equal Part in ſuch Lands; as in *Kent*, by the Cuſtom called *Gavelkind.* This among the *Feudiſts* is called *Adæquatio, Hot. in verbis* Feud. *verb.* Adæquatio. Of theſe you may ſee in *Littleton* at large, in his firſt and ſecond Chapters of his third Book. And *Britton, c.* 27. intitled, *De Heritage diviſable.* The Crown of *England* is not ſubject to *Coparcenary.* 25 H. 8. *cap.* 22.

Cope, By *Domeſday-Book*, as Mr. *Agar* hath interpreted it, ſignifies a Hill. It denotes alſo, according to Mr. *Manlove*, in his *Treatiſe of the Liberty and Cuſtoms of Mints, &c.* printed 1653. a Cuſtom or Tribute due to the Lord of the Soil, or elſe to the King, out of the *Lead-Mines*, in ſome Part of *Devonſhire:* His Words are theſe, ———

> ——*Egreſs and Regreſs to the King's Highway,*
> *The Miners have*; *and* Lot *and* Cope *they pay.*
> *The Thirteenth Diſh of Oar within their Mine,*
> *To the Lord, for* Lote, *they pay at Meaſuring Time.*
> *Six-pence a Load for* Cope *the Lord Demands,*
> *And that is paid to th'* Berghmaſter's *Hands*, &c.

See alſo Sir *John Pettus's Fodinæ Regales*, on this Subject.

Copia libelli deliberanda, Is a Writ that lieth, in Caſe when a Man cannot get the *Copy* of a Libel at the Hands of the Judge Eccleſiaſtical. *Reg. Orig. f.* 51.

Coppa, A Cock of Graſs, Hay, or Corn, ſo divided into tithable Portions. This is the true Senſe of the Word in that Paſſage of *Will. Thorn, inter X Script. col* 1820. *An.* 1177. ——— *Pacti ſunt Homines de Halmoto de Menſtre in Thaneto* ——— *fruges omnes ſuas* coppare *extunc & deinceps, (i. e.* to ſet out their Hay and Corn into *Copps* or Cocks) *& ſic per* coppas *omnes decimas ſuas ipſi & hæredes ſui a modo, & in æternum legitime dare*; *i. e.* by a juſt and equal Proportion of Tithing to pay the tenth Cock. This Authority the Learned *Du Freſne* cites *in voce coppa*; but ſeems to underſtand it only of cutting down their Corn; whereas it ſtrictly denotes the Gathering or Laying up the Corn in *Copes* or Heaps, (as they do Barley, Oats, *&c.* not bound up) that it might be the more fairly and juſtly tithed. In *Kent* they ſtill retain the Word *A Cap of Hay, A Cap of Peaſe, A Cap of Straw.*

Coppire domum, To *cope* a Houſe, or to lay on the Roof, and Covering on the Top of it. ——— Johanni Bunbury *tegulatori, capienti in groſſo ad* coppiendam *prædictam domum, iv. lib.* 1. *den.* Paroch. Antiq. pag. 575. From the Sax. *Coppe*, the Height or Top of a Thing; *Cop*, the Head or Crown, *&c.* all from the Brit. *Koppa*, the Top or Higheſt Part. Hence the *Cope*, or ſupreme Cover; as in the Proverb, *Under the* Cope of *Heaven.* A *Cope*, or upper Garment, as the outer Veſt of a Prieſt; and in *Chaucer*, *Cope* is uſed for a Cloak.

Copy, *Copia*, Is according to the French *Le double de quelque eſcripture*, and ſignifies in a legal Senſe the Example or Tranſcript of an original Writing; as the *Copy* of a Charter, the *Copy* of a Court-Roll, *&c.*

Copyhold, *Tenura per* Copiam *Rotuli Curiæ*, Is a Tenure for which the Tenant hath nothing to ſhew but the *Copy* of the Rolls made by the Steward of his Lord's Court; for the Steward, as he inrolleth and maketh Remembrances of all other Things done in the Lord's Court; ſo he doth alſo of ſuch Tenants as be admitted in the Court, to any Parcel of Land or Tenement belonging to the Manor; and the Tranſcript of this is called *The Copy of the Court-Roll*, which is all the Tenant taketh from him, and keeps as his only Evidence. *Co. lib.* 4. *f.* 25. *b.* This Tenure is called *A Baſe Tenure*, becauſe he holdeth at the Will of the Lord, *Kitchin, f.* 80. *cap. Copyholds, F. N. B. f.* 12. where 'tis ſaid, That it is wont to be called *Tenure in Villenage*, and that of *Copyhold* is but a new Name: yet it is not ſimply at the Will of the Lord, but according to the Cuſtom of the Manor: So that if a *Copyholder* break not the Cuſtom of the Manor, and thereby forfeit his Tenure, he ſeemeth not ſo much to ſtand at the Lord's Courteſy for his Right, that he may be diſplaced at his Pleaſure. Theſe Cuſtoms of Manors be infinite, varying in one Point or other almoſt in every ſeveral Manor: Firſt, Some *Copyholds* are *fineable* at Will, and ſome *certain*: That which is *fineable* at Will, the Lord taketh at his Pleaſure; but if it exceed two Years Revenue, the *Chancery*, *King's Bench*, *Common Pleas*, or *Exchequer*, may reduce them to Reaſon. That which is *certain*, is a Kind of Inheritance, and called in many Places *Cuſtomary*, becauſe the Tenant dying, and the *Hold* being void, the next of Blood, paying the *Cuſtomary Fine*, as two Shillings for an Acre, or ſuch like, may not be deny'd his Admiſſion. Secondly, Some *Copyholders* have by Cuſtom, the Wood growing upon their own Land, which by Law they could not have. *Kitchin, ubi ſupra.* Thirdly, *Copyholders*, ſome be ſuch as hold by the *Verge* in ancient Demeſne; and altho' they hold by *Copy*, yet are they in Account a Kind of *Freeholders*; for if ſuch a one commit Felony, the King hath *Annum, Diem & Vaſtum*, as in caſe of *Freehold.* Some other hold by *Common Tenure*, called *Meer Copyhold*, and they committing Felony, their Land eſcheateth to the Lord of the Manor. *Kitchin, f.* 81. *chap. Tenant per verge in ancient Demeſne.* What *Ancient Demeſne* is, ſee in the proper Place. See *Tenant by Copy of Court-Roll.* This is the Land that in the *Saxons* Times was called *Folk-land. Lamb.* Explication of

Saxon Words, *verbo Terra ex ſcripto. Weſt. Symb. part.* 1. *lib.* 2. *ſect.* 646. defines a *Copyholder* thus; Tenant by *Copy* of Court-Roll, *is he which is admitted a Tenant of any Lands or Tenements within a Manor, that, Time out of Mind, by Uſe and Cuſtom of the Manor, have been demiſable, and demiſed to ſuch as will take the ſame in Fee, or Fee-tail, for Life, Years, or at Will, according to the Cuſtom of the Manor; by* Copy *of Court-Roll* of the ſaid Manor, where you may read more of theſe Things.

Coracle, A ſmall Boat, uſed by the Fiſhermen upon the River *Severn*, near *Roſſal* in *Shropſhire*; of a Form almoſt oval, made of ſplit Sallow Twigs interwoven, and on that Part next the Water covered with Leather, or Horſe-hide, (the true *Britiſh* Faſhon) in which one Man, being ſeated in the Middle, will row himſelf ſwiftly with one Hand, while with the other he manages his Net or Fiſh-Tackle: And coming off the Water, will take the light Veſſel on his Back, and carry it Home.

Corage, Is an Impoſition extraordinary, growing upon ſome unuſual Occaſion, and ſeems to be of certain Meaſures of Corn. *Bract. lib.* 2. *cap.* 16. *num.* 6. uſes *Corus tritici*, for a Meaſure of Corn; and in the ſame Chapter, *num.* 8. hath theſe Words. *Sunt enim quædam communes, &c.* In *Engliſh* thus, *There are certain common* Preſtations, *which are not called* Services, *neither do they ariſe from* Cuſtom, *unleſs ſome neceſſary Occaſion happen, or that the King comes. Such are* Hidage, Corage, *and* Carvage, *and many others, which are performed in Caſes of Neceſſity, by the common Conſent of the whole Kingdom, and which appertain not to the Lord of the Fee; nor is he bound to acquit his Tenant thereof, unleſs he hath eſpecially ty'd himſelf thereto by his own Deed.*

Coram non Judice, Is when a Cauſe is brought in a Court, whereof the Judges have not any Juriſdiction; there it is ſaid to be *Coram non Judice. Croke* 2. *par. f.* 351. *Powel's* Caſe.

Corbel-ſtones, *Corbelli, Corbels, Corbetels.* They ſeem to be the ſame with what Dr. *Skinner* calls *Corbels*, and from ſome Authority, expounds them to be *Stones whereon Images ſtand.* The old *Engliſh Corbel* and *Corbettel*, was properly a Nich in the Wall of a Church, or other Structure, in which an Image was placed for Ornament, or Superſtition; and the *Corbel-ſtones* were the ſmooth and poliſhed *Stones*, laid for the Front and Out-ſide of the *Corbels*, or Niches. Theſe Niches remain on the Out-ſide of very many Churches and Steeples in *England*, though the little Statutes and Reliques of Foppery, are moſt of them broken down——*& in ſolutis* Johanni Chepyn *Latamo aptanti & facienti xviii.* Corbel-ſtonys, *ponendis in prædicto muro. v. ſol. iv. den.* See Mr. *Kennet's* Paroch. 575. and Gloſſary, *in voce* Corbel-ſtones. ——*Licebit prædictis Abbati & Conventui, ſi ſibi placuerit in principio fabricæ ejuſdem muri* Corbellos *ſumptibus eorum propriis in eodem inſtruere, ſed poſtquam conſtructus fuerit, nequaquam aliquos* Corbellos *facient, nec aliquis eorum faciet*——Cart. 50. Edw. III. inter Munimenta Hoſpitalis SS. Trin. in Pontefracto. MS.

Cord of Wood ought to be eight Foot long, four Foot broad, and four Foot high by Statute.

Cordage, Is generally applied to all Stuff for the making of Ropes, and alſo to all kind of Ropes belonging to the Rigging of Ships, mentioned 15 *Car.* 2. *c.* 13. *Seaman's Dictionary.*

Cordeletta Roba.——*Ad Comitatum tentum apud* Leſtroythiel *Com.* Cornub. *An. regni Regis* Ed. *fil. Reg.* Ed. *ſecundo*, Mageria *quæ fuit uxor* Walteri de Treverbyn, *appellat* Thomam Geveil, Rogerum de Tyndal, *&c. quod ipſam ſpoliaverint de una* cordeletta roba *pro muliere mixta, & uno firmaculo aureo, &c.* Liber Placitorum temp. Ed. I. & Ed. II. MS. penes Dom. *Fountaines.*

Cordewan, Skins of Leather, dreſſed at *Corduba* in *Spain*, and imported hither for the Uſe formerly of Boots and other Calecature, and now chiefly for Gloves. —— *Nec ſotulares de* Cordewan *ab aliquo accipiant* ——— Stat. Ordinis Semplingham; p. 783.——*Calceamenta quæ de vili corio, quod vulgariter Bazan dicitur, in alutam, id eſt*, Cordewan, *civiliter commutavit.* Mat. Pariſ. in Vit. Abbatum St. Albani. Hence

Cordubanarius, French *Cordouannier, Cordonnier*, a Shoe-maker.——*De illa Selda cum pertinentiis quam* Walterus Cordubanarius *de me tenuit.* ——— Cartular. Abbatiæ de Radinges. MS. f. 31. a.

Cordiner, Cometh of the French *Corduannier*, i. e. *Sutor calcearius*, A Shoe-maker, (we call him vulgarly a *Cordwainer*) and is ſo uſed, in divers Statutes, as *An.* 3 *H.* 8. *c.* 10. *& An.* 5 *H.* 8. *c.* 7. and others.

Coretes, Pools, Ponds, *&c.*——*Conſtituerunt ei Epiſcopalem Sedem —— apud pagum* Landaff, *totum infra Taf & Elei, cum piſcibus &* coretibus *ſuis omnibus, & cum omni ſua dignitate.* Hiſtor. Eccleſ. Landaven. apud Whartoni Angl. Sacr. P. 1. pag. 667. From the Britiſh *Cored. Et cum corporibus ſuis ad ſepulturam ſuam in Eleemoſyna, & cum ſuis piſcibus &* Coretibus *anguillarum & cum toto territorio ſuo.* Du Freſne.

Corinum, *Cirenceſter* in *Glouceſterſhire.*

Coriſcus, for *Codiſcus*, a little Book.

Coritani, *Northampton, Leiceſter, Rutland, Lincoln, Nottingham*, and *Derby Shires.*

Corium Forisfacere, *i. e.* Condemned to be whipp'd; which was the Puniſhment of a Servant. *Si quis* Corium *ſuum* forisfaciat *& ad Eccleſiam incurrat, ſit ei verberatio condonata. Corium perdere*, the ſame. *Corio carere*, the ſame. *Corium redimere*, to compound for a Whipping. *Corio componere*, to be whipp'd.

Cornage, *Cornagium*, from the Lat. *Cornu*; and in our Common Law ſignifies a Kind of *Grand Serjeanty:* The Service of which Tenure is to blow a Horn, when any Invaſion of the Northern Enemy is perceived. And by this many Men hold their Land Northward, about the Wall, commonly called, *The Picts Wall. Cambd. Brit. pa.* 609. and *Littleton, f.* 65. But by the Stat. 12 *Car.* 2. *c.* 24. all Tenures are turned into Fee and Common Socage. *Co.* on *Lit. f.* 107. ſaith, That in old Books it is called *Horne-geld, ſed quære.* See *Horn-geld.* 2 *Inſt. f.* 9. This old Service of *Horn-blowing* was afterwards pay'd in Money, and the Sheriff in his Accounts computed for it, under the Title of *Cornagium. Memorand. quod cum Vicecomes* Cambriæ *ſederet compotum ad Scaccarium apud Salop, idem Vicecomes fecit tallagiam ſub nomine ſuo lx. lib. tam de* Cornagio, *quam de aliis debitis.* Mem. in Scacc. 6 *E.* 1.

Cornare, To blow in the Horn. *Factat* Cornare *ne videatur furtive facere.* Mat. Pariſ. p. 181.

Cornabi, *Warwick, Worceſter, Staffordſhire*, and *Cheſhire.*

Corner-Tile: See *Gutter-Tile.*

Cornu, a Drinking-horn. *Et* Cornu *menſæ meæ ut ſenes monaſterii bibant inde in feſtis Sanctorum.* Du Cange. Sometimes it ſignifies an Ink-horn. *Ipſo Domino Radulfo teſtante qui tenuit* Cornu *dum ſcriptor notavit, &c.* Mon. 1 Tom. pag. 559.

Cornwall, the *Cape.* See *Anteveſtæum.*

Corody, *Corodium*, Signifies in the Common Law a Sum of Money, or Allowance of Meat, Drink and Cloathing, due to the King from an Abbey, or other Houſe of Religion, whereof he is the Founder, towards the reaſonable Suſtenance of ſuch a one of his Servants, being put to his Penſion, as he thinketh good to beſtow it on. And the Difference between a *Corody* and a *Penſion* ſeemeth to be, That a *Corody* is allowed towards the Maintenance of any of the King's Servants that liveth in the Abbey; a *Penſion* is given to one of the King's Chaplains, for his better Maintenance in the King's Service, until he may be better provided of a Benefice. Of both theſe, read *F. N. B. f.* 230, 231, 233. who there ſetteth down all the *Corodies* and *Penſions* certain, that any Abbey, when they ſtood, was, bound to perform unto the King. There is Mention alſo of a *Corody*, in *Staundf. Prærog.* 44. And this appears an ancient Law; for in *Weſt.* 2. *cap.* 25. it was ordained, That an Aſſiſe ſhall lie for a *Corody*: It is alſo apparent in the Statute 34 & 35 *H.* 8. *cap.* 26. That *Corodies* belonged ſometimes to Biſhops from Monaſteries. And by the *New Terms of the Law*, That a *Corody* may be due to a Common Perſon, by Grant from one to another, or of Common Right, to him that is a Founder of a Religious Houſe, not holden in *Frank-Almoine*, for that Tenure was diſcharged of all *Corodies* in it ſelf: By which Book it appeareth alſo, That a *Corody* is either certain, or uncertain, and that it may be for Life, for Years, in Tail, or in Fee. See *Termes de la Ley.*

Corody ſeems to be ancient in our Laws; for in *Weſtm.* 2. *c.* 5. it is ordained that an Aſſiſe ſhall lie for a *Corody.* It is alſo apparent by the Statute 34 & 35 H. 8. *c.* 26. that *Corodies* belonged ſometimes to Biſhops and Noblemen from Monaſteries. Tenure in *Frankalmoin* was a Diſcharge of all *Corodies* in it ſelf. Stat. 1 *E.* 3. *ca.* 10. See 2 *Part, Inſt. f.* 630.

SCiant——*quod nos* Radulphus *Abbas Monaſterii St.* Johannis de Haghmon & *ejuſdem loci Conventus. ad inſtantiam & ſpeciale rogatum excellentiſſimi & reverendiſſimi Domini noſtri* Thomæ *Comitis* Arundeliæ & Surreiæ, *Dedimus*——Roberto Lee *unum* Corrodium *pro termino vitæ ſuæ, eſſendo cum Abbate Monaſterii prædicti* Armigerum, *cum uno* Garcione & *duobus equis*; *capiendo ibidem eſculenta & poculenta ſufficientia pro ſeipſo, ſicut Armigeri Abbatis, qui pro tempore fuerint, capiunt & percipiunt*; & *pro Garcione ſuo, ſicut Garciones Abbatis & Armigerorum ſuorum capiunt & percipiunt*; *capiendo etiam pro equis ſuis fœnum & præbendam.* —— *Et quod idem* Robertus *habeat veſturam Armigerorum, &c. Dat.* 3 H. 5. Mon. Angl. 2 par. f. 933. a.

Corodio habendo, Is a Writ, whereby to exact a *Corody*, of an Abbey, or Religious Houſe. See *Corody*; ſee alſo *Reg. Orig. fol.* 264.

Corona mala, or Mala corona. The Clergy were formerly ſo called, who abuſed their Character. *Radulphus cognomento Clericus quia copioſe literatus fuit,* & Mala Corona *quia militaribus exercitiis inſerviens.* Willus Gemel. lib. 7. c. 10.

Corona Clericalis. See *Coif.*

Coronare Filios. The old *Villains*, or thoſe who held in Villenage, were forbid *Coronare Filios, i. e.* to make their Sons Prieſts, to let them be ordained; becauſe Ordination changed their Condition, and gave them Liberty to the Prejudice of the Lord, who could before claim them as his Natives, or born Servants.——*Homo Coronatus*, was one who had received the firſt *Tonſure*, as preparatory to ſuperior Orders. *Injuſtum mihi videbatur illa tam ſancta loca in quibus nutritus,* & coronatus *fuerani, atque ad ultimum ordinatus, relinquere.* Aſſer. de rebus geſtis Alfredi. p. 14. The *Tonſure* was in Form of a *Corona*, or Crown of Thorns. —— Wilfridus——*Tonſuræ formulam in modum* coronæ *ſpineæ, caput* Chriſti *cingentis, ab Archiepiſcopo ſuſcepit.* Eddius in Vita Wilfrid. cap. 6.

Coronatore eligendo, Is a Writ, which, after the Death of Diſcharge of any *Coroner*, is directed to the Sheriff out of the *Chancery*, to call together the Freeholders of the County, for the Choice of a new *Coroner*, and to certify into the *Chancery*, both the Election and Name of the Party elected, and to give him his Oath. See *Weſt.* 2. *cap.* 10. and *F. N. B. fol.* 163. and *Reg. Orig. fol.* 177.

Coroner, (*Coronator, a Corona*) is an antient Officer of this Land, (for Mention is made of his Office in King *Athelſtan*'s Charter to *Beverley, an.* 925). and is ſo called, becauſe he deals wholly for the King and Crown. There are four of them commonly in every County, in ſome fewer, and in ſome Counties but one: They are choſen by the Freeholders of the ſame by the King's Writ, and not made by Letters Patent. *Crompt. Juriſd. f.* 126. This Officer, by the Statute of *Weſtm. c.* 10. ought to be a ſufficient Perſon, that is, the moſt wiſe and diſcreet Knight that beſt would and might attend upon ſuch an Office. There is a Writ in the *Regiſt. Niſi ſit Miles, f.* 177. *b.* whereby it appears it was ſufficient Cauſe to remove a *Coroner* choſen, if he were not a Knight, and had not an Hundred Shillings Rent of Freehold. The Lord Chief Juſtice of the *King's Bench* is the *Sovereign Coroner* of the whole Realm in Perſon, *i. e.* whereſoever he is. *Lib. Aſſiſarum, f.* 49. *Coke, lib.* 4. *Caſe of Wardens, &c. of the Sadlers, f.* 57. *b.* The Office of a *Coroner* eſpecially concerns the Pleas of the Crown: But what anciently belonged to him, read at large in *Bracton, lib.* 3. *tract.* 2. *cap.* 5, 6, 7, & 8. *Briton, ca.* 1. *Fleta, lib.* 1. *ca.* 18. and *Horn's Mirror, lib.* 1. *cap. del Office del Coroners.* But more aptly for the preſent Times, *Staundf. Pl. Cor. lib.* 1. *cap.* 51.

There are alſo certain ſpecial *Coroners* within divers Liberties, as well as thoſe ordinary Officers in every County; as the *Coroner of the Verge*, which is a certain Compaſs about the King's Court, whom *Crompt.* in his *Juriſd. f.* 102. calls *The Coroner of the King's Houſe*; of whoſe Authority, ſee *Coke's Rep. lib.* 4. *f.* 46. By certain Charters belonging to ſome Colleges and Corporations, they are licenced to appoint their *Coroner* within their own Precincts. Of this Office, ſee

alſo 4 *Inſt. fol.* 271. *Smith de Rep. Angl. lib.* 2. *cap.* 21. and *Lamb. Eiren. cap.* 3. *pag.* 380. And of the *Coroner*'s Office in *Scotland*, read *Skene*, *verbo Iter.*

Corporal Oath. See *Oath.*

Corporation, (*Corporatio*,) a Body Politick, or a Body *Incorporate*; ſo called, becauſe the Perſons are made into a *Body*, and of Capacity to take and grant, &c. And this Body Politick or *Incorporate* may commence and be eſtabliſhed three Manner of Ways, *viz.* by *Preſcription*, by *Letters Patent*, or by *Act of Parliament*. Every Body Politick or *Corporate* is either *Eccleſiaſtical* or *Lay*: *Eccleſiaſtical* is either *Regular*, as Abbots Priors, &c. or *Secular*, as Biſhops, Deans, Archdeacons, Parſons, Vicars, &c. *Lay*, as Mayor, Commonalty, Bailiff, and Burgeſſes, &c. Alſo every Body Politick or *Corporate* is either elective, preſentative, collative, or donative. And again, it is either ſole or aggregate of many, which laſt is by the *Civilians* called *Collegium* or *Univerſitas*. *Coke on Litt. f.* 250. and 3 *Inſt. f.* 202.

Corporation Spiritual, and of dead Perſons in the Law, Is where the *Corporations* conſiſt of an Abbot, and Covent, which had Beginning of the King and the Pope, when he had to do here; *Corporation Spiritual, and of able Perſons in Law*, is where it conſiſts of a Dean and Chapter, a Maſter of a College or Hoſpital; and this had Beginning from the King only.

Corporation Temporal by the King, is where there is a Mayor and Commonalty. *Corporation Temporal* by Authority of the Common Law, is the Parliament, conſiſting of the *King* the Head; the Lords *Spiritual* and *Temporal*, and *Commons*, the Body.

If Land be given to a Mayor and Commonalty for their Lives, they have an Eſtate by Intendment, not determinable: So it is, if a Feoffment be made of Land to a Dean and Chapter, without Mention of Succeſſors. Releaſe of a Mayor for any Sum of Money due to the *Corporation* in his own Name, is not good in Law, in caſe of a ſole *Corporation*, as Biſhop, Parſon, Vicar, Maſter of Hoſpital, &c. No Chattel either in Action or Poſſeſſion ſhall go in Succeſſion; but the Executors or Adminiſtrators of the Biſhop, Parſon, &c. ſhall have them; but otherwiſe it is in caſe of a *Corporation* aggregate, as a Dean and Chapter, Mayor and Commonalty, and ſuch like; for they, in Judgment of the Law, never die. Yet the Caſe of the *Chamberlain* of *London*, differs from all theſe; for his Succeſſor may, in his own Name, have Execution of a Recognizance acknowledged to his Predeceſſor, for *Orphanage-money*; and the Reaſon is, becauſe in this Caſe the *Corporation* of the *Chamberlain* is by Cuſtom, which hath enabled the Succeſſor to take ſuch Recogniſances, Obligations, &c. that are made to his Predeceſſor. And this Cuſtom is founded upon great Reaſon; for the Executors or Adminiſtrators of the *Chamberlain*, ought not to intermeddle with ſuch Recogniſances, &c. which by the ſaid Cuſtom are taken in the *Corporate* Capacity of the *Chamberlain*, and not in his private.

Corpus Chriſti Day (being always on the next *Thurſday* after *Trinity-Sunday*) is a Feaſt inſtituted in the Year 1264, in Honour of the Bleſſed Sacrament: To which alſo a College in *Oxford* is dedicated. It is mentioned in 32 *H.* 8. *c.* 21. By which Statute *Trinity-Term* is appointed for ever to begin the Morrow after this Feaſt.

Corpus cum cauſa, Is a Writ iſſuing out of the *Chancery*, to remove both the Body and the Record, touching the Cauſe of any Man lying in Execution upon a Judgment for Debt, into the King's Bench, &c. there to lie until he have ſatisfied the Judgment. *Fitz. Nat. Brev. f.* 251. *e.*

Corrector of the Staple, Is a Clerk belonging to the *Staple*, which writeth and recordeth the Bargains of Merchants there made. 27 *Ed.* 3. *Stat.* 2. *cap.* 22 & 23. The *Romans* called them *Menſarios.*

Corredium & **Conredium**, the ſame with *Corrodium.* See *Corody.* —— *Et decimam totius* Conredii *mei.* Mon. Angl. 1 Vol. f. 587. a.

Corrody. See *Corody.*

Corruption of Blood; (*Corruptio Sanguinis*) Is an Infection growing to the State of a Man attainted of Felony or Treaſon; for as he loſeth all to the Prince, or other Lord of the Fee, as his Caſe is, ſo his Iſſue cannot be Heirs to him, or to any other Anceſtor, of whom they might have claimed by him. And further, if he were Noble, or a Gentleman before, he and his Children are made Unnoble and Ungentile. But if the King will pardon the Offender, it will cleanſe the *Corruption of the Blood* of thoſe Children, which are born after the Pardon, and they may inherit the Land of their Anceſtor purchaſed at the Time of the Pardon, or afterwards, but ſo cannot they who were born before the Pardon. But there are divers Limitations even in Treaſon, made by Statutes which ſave *Corruption of Blood*, though a Man be attainted. 27 *Ed.* 3. *cap.* 77. 13 *H.* 7. *cap.* 17. 5 *Eliz. cap.* 1. 11. 18 *El. ca.* 1. 6. 14. 31 *Eliz. cap.* 4. 1 *Mar. cap.* 12. 1 *Jac. cap.* 12.

Corſelet, Is a *French* Word, ſignifying a little Body, in Lat. *Corpuſculum*; we generally uſe it for an Armour to cover the whole Body, 4 & 5 *P.* & *M. cap.* 2. wherewith Pikemen, commonly ſet in the Front and Flanks of the Battle, are armed, for the better Reſiſtence of the Enemies Aſſaults, and the ſurer Guard of the Gunners placed behind, who were more ſlightly armed for their ſpeedier advancing and retreating to Fire. See *Barret's Diſcourſe of War, lib.* 3. *Dialog.* 2.

Corſned Bread (from the Sax. *Cors*, *Execratio* and *Nedde*, *compulſus*) was a Kind of ſuperſtitious Trial uſed by our *Saxons*, by a Piece of Barley-Bread, firſt execrated by the Prieſt, and then offered to the ſuſpected guilty Perſon, to be ſwallowed in Way of Purgation: For they believed a Perſon, if guilty, could not poſſibly ſwallow a Morſel ſo accurſed; or if he did, it would choak him. The Form was thus: *We beſeech thee, O Lord, that he who is guilty of this Theft, when the exorciſed* Bread *is offered to him in order to diſcover the Truth, that his Jaws may be ſhut, his Throat ſo narrow that he may not ſwallow, and that he may caſt it out of his Mouth, and not eat it.* Du Cange. Theſe Pieces of *Bread* were conſecrated or devoted by the Prieſt, to ſuch religious Uſes, of which the old Form, or *Exorciſmis panus hordeacei vel caſei ad Probationem veri*, is extant in *Lindenbrogius*, *p.* 107. In the Laws of King *Canute*, *c.* 6. *Si quis altari miniſtrantium accuſetur, & amicis deſtitutus ſit. cum Sacramentales non habeat, vadat ad Judicium quod Anglicè dicitur* Corſned, *& fiat ſicut Deus velit, niſi ſuper ſanctum Corpus Domini permittatur, ut ſe purget.* From which, and ſome other Authorities, I am apt to think that this *Corſned*

was at first the very Sacramental *Bread*, consecrated and received with solemn Adjuration, and with devout Expectance it would prove mortal to those who had dared to swallow it with a Lie in their Mouth: Presuming on the continued Judgment of Sickness and Death to unworthy Receivers, mentioned by the Apostle, 1 *Cor.* 11. 29, 30. till possibly the Bishops and Clergy, were afraid to prostitute the Communion *Bread* (especially when *Transubstantiation* required the more profound Respect) to such rash and conceited Uses: But however to indulge the People to their superstitious Fancies, and beloved Customs, they did allow them to practise the same judicial Rite, in eating some other Morsels of *Bread*, or Cheese, blest or curst to the like Uses. There is a famous Story of the perfidious *Godwyn* Earl of *Kent*, in the Time of *Edw. Confess.* who abjuring the Death or Murder of the King's Brother, did appeal at last to his *Corsned*, or imprecated *Bread*, which as a just Judgment of his solemn Perjury, stuck in his Throat, and choaked him. This Purgation Story is thus in short told by a contemporary Writer, *Ingulph.* —— *Cum* Godwinus *Comes in mensa Regis de nece sui fratris impeteretur, ille post multa Sacramenta, tandem per buccellam deglutiendam abjuravit & buccella gustata continuo suffocatus interiit.* —— This among other rude and barbarous Ways of Purgation, was often condemned and by Degrees abolished. And yet we have still some Remembrance of this horrid Custom, in some of our usual Phrases of Adjuration; as *I will take the Sacrament upon it,* ——*May this* Bread *be my Poyson,* —— *May this Bit be my last,* &c.

Corsepresent (from the Fr. *Corps present, i. e.* the Body presented) signifies a *Mortuary*, *an.* 21 H. 8. *cap.* 6. And the Reason why it was thus termed seems to be, that where a *Mortuary* after any Man's Death became due, the *Body* of the best or second Beast was, according to the Custom, offered or presented to the Priest, and carried along with the *Corps*.

IN *nomine Patris, & Filii, & Spiritus Sancti, Ego* Brianus de Brompton, *Sen. Anno Domini* MCCLXII. *in vigilia Apostolorum* Simonis & Judeæ *condo Testamentum meum. Volo corpus meum sepeliri in Frioratu Majoris Malverniæ inter Prædecessores meos, & cum corpore meo* Palefridum *meum cum herneſio,* Equum summarium, *cum lecto meo, &c.* In codice MS. penes Gul. Dugdale, Mil.

Corstopitum, *Morpeth* in *Northumberland.*

Cortis, (*Curtis,*) a Court or Yard before the House.

Cortularium, *Certarium, Curtilagium*, A Yard or Court, adjoining to a Country Farm. —— *Abbas* Glaston. *apud* Ginneledon, *construxit*——*grangium, boverium, vacarium, stabulum, columbarium, &* Cortularium, *cum domo, duo molendina, &c.* Cartul. Glaston. MS. f. 42.

Corvisarii, *i. e.* Coblers, *Qui corio veteri utuntur, viz. Prohibeo ut nec mercator nec institor nec pergamentarius nec* Corvesarius, *&c. volens emere vel vendere non vendat.*

Corus, a certain Corn-Measure heaped up, from the *Hebrew Cora*, which signifies a Hill: For eight Bushels of Wheat, in a Heap, are of the Shape of a little Hill; and probably a *Corus* of Wheat was eight Bushels. *Decem* Coros *triciti sive decem quarteria.* Bracton, lib. 2. cap. 16. parag. 7.

Cosces, and **Coscet**, the same with *Cottage.*

Cosduna, the same with *Custom* or *Tribute. In Curte vero de Foria habere solebat quinque solidos* Cosdunales *in Anno.* Mon. 1 Tom. pag. 562.

Cosenage, *Cognatione*, Is a Writ that lies, where the *Tresayle*, (that is, *Tritavus*, the Father of the *Besayle*, or of the great Grandfather) is seised in his Demesne, as of Fee, at the Day of his Death, of certain Lands or Tenements, and dieth, and then a Stranger entreth, and abateth; for then shall his Heir have this Writ of *Cosenage*; the Form whereof, see in *F. N. B. f.* 221. of this, read also *Britton* at large, *cap.* 89. *Nor is there any Affinity or Cousinage between them.* Stat. 4. H. 3. cap. 8.

Cosening, Is an Offence unnamed, whereby any Thing is done guilefully, in or out of Contracts, which cannot be fitly termed by any special Name. *West. Symbol, part.* 2 Tit. *Indictments, sect.* 68. It is called in the Civil Law, *Stellionatus*, of *Stellio*, a Beast, which is *Lacertæ genus versutissimum*, as *Cujacius* in his *Particles* calleth it: And *Pliny, lib.* 3. *c.* 10. says, *Nullum animal invidet homini fraudulentius.*

Cosbering. In the Feudal Laws, as there were many Privileges inherent by Right and Custom, so were there several other grievous Exactions imposed by the Lords, by a Sort of Prerogative or Seignioral Authority, as to lie and feast themselves and their Followers (called *Cosbering*) at their Tenants Houses. Sir *Henry Spelman* of *Parliament.* MS.

Cosmus; *i. e. Clean.*

Costard, an Apple, whence *Costard*-Monger, *i. e.* a Seller of Apples. ——*reddendo inde annuatim Nobis & hæredibus nostris unum pomum* Costard *de forgabulo ad Festum S.* Michaelis. Cartular. Abbat. Radings. MS. f. 916.

Costera, Coast, Sea-Coast. —— *Per* costeram *maris, & partium adjacentium in Comitatu Kantiæ.* Ordinat. Marisc. Romney. —— Ricardum Thoney *ad custodiam* costeræ *maris in Com.* Essex, *per literas nostras patentes assignavimus.* Memor. in Scaccar. Pasch. 24 E. 1.

Costrellus, (*Costarez,*) a Flagon. *Habebit de Cellerario 5 albos panes &* Costrellos *suos plenos Cervisia.* Mon. 2 Tom. 550.

Cot, In the old *Saxon* signifies *Cottage*, and so still in many Places of *England*, as *Verstegan* testifies in his *Restitution* of decay'd Intelligences in Antiquities. It is also a Kind of refuse Wool, clung or clotted together, that it cannot be pulled asunder. *Anno* 13 *R.* 2. *Stat.* 1. *cap.* 9.

Cotage (*Cotagium & Chota*, from the Saxon *Cote*) is a House without Land belonging to it. *Anno* 4 *Ed.* 1. *Stat.* 1. And the Inhabitants of such *Cotages* are called *Cotagers.* By a later Statute of 31 *El. c.* 7. no Man may build a House, unless he lay four Acres of Land to it; so that a *Cotage* is properly any little House that hath not four Acres of Land belonging to it.——*Dedit* Chotam, *& quendam campum junctum huic* Chotæ. Mon. Angl. 1 par. f. 201. b.

Cotarius, a *Cotager.*

Cotarii *Debent talliari ad voluntatem Domini; facere servitia incerta; nihil dare, nihil vendere, nihil proprium habere, nec possunt acquirere, nisi ad promotionem Domini sui.* Ex libr. irrot. Eccl. Christi Cantuar. f. 211.

Cote, Cot, and Coat. The Names of Places beginning or ending with these Syllables signify a little House or *Cotage*; from the Sax. *Cote, i. e. Casa.*

Cotellus, A small *Cottage.* —— Henricus Clericus *tenet unum* cotellum *cum crofta, & reddit per annum octo denarios,*——Consuetud. Domus de Farendon. MS.

Coterelli, (Fr. *Cotereaux*) This Word is used in our Records for *Cotagers, quia Cotagia & Curtilagia tenebant*; but they were antiently a certain Kind of peasantly Outlaws; a Sort of straggling Thieves and Plunderers, who seem at first to be Cottagers and Country-Fellows, like the Moss-Troopers on the Borders of *Scotland*——*Asserentes igitur & affirmantes se cum Archiepiscopo locuturos, cum pace & pro pace intrare velle, apertis januis intraverunt capati circa decem super loricas, & hi* Bragmanni *erant &* Coterelli Flandrenses *conducti.* Girald. Cambr. de vita Galfridi Archiep. Ebor. apud Whartoni Angl. Sacr. P. 2. p. 391.

Coterellus. *Spelman* and *Du Fresne* make *Cotarius* and *Coterellus*, to be both servile Tenants: But I think in the *Domesday Register*, and other ancient MSS. there doth appear a Distinction, not only in their Name, but in their Tenure, and Quality. The *Cotarius* had a free Soccage Tenure, and pay'd a stated Firm in Provisions or Money, with some occasional customary Service; whereas the *Coterellus* seemed to have held in meer Villenage, and had his Person and Issue, and Goods disposed at the Pleasure of his Lord. —— Edmund *Earl of* Cornwall, *gave to the* Bon-hommes *of* Asherugge, *his Manors of* Chesterton *and* Ambrosden. ——*una cum Villanis*, coterellis, *eorum* catallis, *servitiis, sectis, & sequelis, & omnibus suis ubicunque pertinentibus.* Paroch. Antiq. p. 310.

Coteria, A Cot, House, or Home-stall. —— N. *Prior & Capitulum Ecclesiæ Christi* Cant. *concedunt* Roberto le Herdman *terram suam de feodo de* Wodetone, *& duas* coterias *juxta terram* Burelli, *&* coteriam *illam quæ fuit quondam* Alani de Staple—— *mense* Aprili 1245. Regist. Eccl. Christi Cant. MS.

Coteswold, several Sheep *Cotes*, and Sheep feeding on Hills: From the Sax. *Cote, Casa, i. e.* a *Cottage*, and *Wold*, a Place where there is no Wood.

Cot-gare is a Kind of refuse Wool, so clung or clotted together, that it cannot be pulled asunder. *An.* 13 *R.* 2. *Stat.* 1. *cap.* 9. where it is provided, That neither Denizen nor Foreigner make any other Refuse of Wools but Cot-Gare and Villein. So the printed Statute. But in the Parliament-Roll of that Year it is *Cod-land* and *Villein. Cot* or *Cote* signifies as much as *Cotage* in many Places, and was so used by the *Saxons*, according to *Verstegan.*

Cotland, *Cot-sethland*, Land held by a *Cottager*, whether in Socage or Villenage——*Dimidia acra jacet ibidem inter* Cotland, *quam* Johannes Goldering *tenet ex una parte,&* Cotland *quam* Tho. Webbe *tenet ex altera.*——Paroch. Antiq. p. 532. Lib. Rames. Sect. 256.——*Dedit prædictus Abbas prædicto Hugoni pro tota terra quæ tunc temporis a S. Benedicto idem Hugo tenebat, unam* Cothsethlandam *cum libero servitio in villa quæ dicitur* Slepe, *& unum Maignagium in foro ejusdem villæ*, —— Cothsethlandam *hic intelligo* Cotæ *sedem, & prædii quidpiam ad eandem pertinent.* Spelman.——*De una* Cothlando *terræ in* Wathford. Pat. 9. Ed. 2. par. 2. m. 2.

Cotlanda and **Cotlandum**, the same with *Cotagium.* 'Tis mentioned in the *Monasticon.* 1 *Tom. pag.* 325. *Item una Virgata terræ, cum dimidio unius* Cotlandi, *&c.*

Cotsethla, *Cotsetle*, The little Seat, or Mansion belonging to a small Farm.——*Concessi illam* cotsethlam *terræ quam* Petrus *filius* Jordani *tenuit de me in* Migeham. Cartular. Abbat. Radinges. MS. f. 53. a. —— *Ego* Thomas *filius* Will. *de* Culern, *dedi Deo & Ecclesiæ* Malmsbury *unam* Cotsetle *in* Culern, *cum omnibus pertinentiis.* Cartular. Malmsbur. MS.

Cotsethus, A Cottager, or Cottage-Holder, who by servile Tenure, was bound to work for the Lord——*As in the Services to be done by the Tenants in the Manor of* Blebory, *belonging to the Abbat and Convent of* Rading.——*Dicit etiam prædictus Abbas, quod* Henricus Boton & Agnes *uxor ejus, &c. sunt* Cotsethi *ex quibus Antecessores eorum solebant operari quolibet die, excepto Sabbato, & diebus Festivis, a Festo S.* Michaelis *usque ad tempus falcationis pratorum, ab ortu Solis usque ad horam tertiam, omnimoda opera manualia, secundum quod Ballivus ejus voluerit injungere.* Cartular. Radinge. MS. f. 221.

Cotseti, (*Cotmanni*,) those who live in *Cotages.* Leg. H. 1. cap. 30. *Villani vero vel* Cotseti *vel perdingi, vel qui sunt hujusmodi viles vel inopes personæ, non sunt inter Legum judices numerandi.*

Cottum, *Cot*, Coarse or Dag-wool, of which they made *Cotta*, or *Cottos*, *i. e.* coarse Blankets. Hence in making Hats, to *cotten* well, is when the Wool, *&c.* works well, and incorporates together ——— *Noveritis Nos teneri in centum saccis bonæ lanæ, & placabilis fine* cot *&* gard, *pro certa summa pecuniæ.* Cartular. Rad. MS. f. 208.

Cotuca, Coat-Armour. *Ad arma prosiliunt & milites quidem super armatura* Cotucas *induerant vocat.* Quarteloys. Walsing, p. 114.

Cotuchan, *Bores* or Husbandmen. *Domesday.*

Coucher, or **Courcher**, signifies a Factor that continues in some Place or Country for Traffick; as formerly in *Gascoign*, for buying Wines. *Anno* 37 *E.* 3. *c.* 16. *Coucher* is also used for the General Book, in which any Religious House or Corporation register their particular Acts. *An.* 3 & 4 *E.* 6. *c.* 10.

Covenable, (Fr. *Convenable*,) Fit, Convenient, or Suitable. —— That every of the same three Sorts of fish be good and covenable, as in old Time hath been used. 31 Ed. 3 Stat. 3. cap. 2. Plowden, f. 472. a. *Covenably* endowed, that is endowed as is fitting. It is also written *convenable.* 27 *E.* 3. *Stat.* 2. *c.* 17. Plowd. f. 472. a.

Covenant, *Conventio*, Is the Consent of two, or more, to one Thing, to do or give somewhat. *West. Symb. part.* 2. *lib.* 1. *sect.* 4. It seemeth to be as much as *Pactum Conventum* with the Civilians, which you read oftentimes in *Tully*; *Pactum conventum quod & vulgo vestitum vocant, opponitur nudo pacto, vel ut ab omni juris solemnitate destituto. Hujus exempla, &c. Oldendorpius.* And *Covenant* in this Signification is either a *Covenant in Law*, or a *Covenant in Fact. Coke lib.* 4. *Noke's* Case, *fol.* 80. or *Covenant Express*, and *Covenant in Law.* Co. lib. 6. f. 17. a. A *Covenant in Law* is that which the Law intendeth to be made, though in Words it be not expreft; as if the Lessor do demise and grant, *&c.* to the Lessee for a certain Term, the Law intendeth a *Covenant* on the Lessor's Part, That the Lessee shall quietly enjoy his Lease for his Term against all Incumbrances. *Covenant in*

Fact

Fact is, that which is expreſly agreed between the Parties. There is alſo a *Covenant meerly Perſonal*, and a *Covenant Real*. *F. N. B. f.* 145. And he ſeemeth to ſay, That a *Covenant Real* is, whereby a Man tieth himſelf to paſs a thing *Real*, as Lands or Tenements; as a *Covenant* to levy a *Fine* of Land, *&c.* A *Covenant meerly Perſonal*, of the other Side, is where a Man *covenanteth* with another by Deed to build him a Houſe, or any other Thing, or to ſerve him, or to infeoff him, *&c.* See *Convention*. *Covenant* is alſo the Name of a Writ; for which ſee *Convention*, and *New Book of Entries*, *verbo Covenant*.

Noverint cmnes præſentes ſcriptum Chirographatum viſur. vel auditur. quod xviii. *die* April. *Temporis gratiæ* MCCLX. *ita* convenit *inter nos* Hugonem de Okeleſthorp & Adam *filium* Ade de Thowes, *generum ejuſdem* Hugonis, *ſc. quod ego* Adam *non dabo, impignorabo, vendam, nec alienabo aliquam partem tenementi mei de quo fui veſtitus & ſeiſitus prædicto die, nec tenementi mihi contingentis nomine hæreditatis, ſine voluntate & aſſenſu prædicti* Hugonis *vel hæredum ſuorum, Et quod amabiliter tractabo uxorem meam, filiam prædicti* Hugonis; *Et niſi fecero, ibo per ſeptem dies ſabbati nudus per medium forum de* Harwode *quando plenius fuerit, ſecundum ordinationem dicti* Hugonis. *Omnia autem præſcripta fideliter & ſine fraude obſervanda pro me & hæredibus meis, tactis ſacroſanctis, juravi & affidavi; Et ne iſtud alicui hominum vertatur in dubium, nos prædicti* Hugo & Adam *ſigilla noſtra partium hiis mutuis ſcriptis appoſuimus. Hiis teſtibus*, Stephano Sterry, *tunc Chirographar. Civitatis Ebor.* Daniele de Tottie *Clerico*, Richardo de Waleys *de Acculum*, Ade de Northfolch, Thoma Edwyn *Allutario de Ebor. & aliis.* Ex MS. penes Gul. Dugdale, Mil.

Covenant, (*Fœdus,*) the late ſolemn League and *Covenant*, firſt hatched in *Scotland*, was a ſeditious Conſpiracy too well known to need any Explication. It was voted illegal and irreligious by Parliament in *May* 1661. and Proviſion is made againſt it by the Statute 14 *Car.* 2. *c.* 4. where it is declared to have been impoſed on the Subjects of this Realm againſt the known Laws and Liberties of the ſame.

Covent, *Conventus*, Signifies the Society of an Abbey or Priory, as *Societas* ſignifies the Number of Felows in a College. *Bract. lib.* 2. *cap.* 35.

Couverture, Is a *French* Word ſignifying any Thing that covers, as Apparel, a Coverlet, *&c.* and deduced from *Couvrir*, that is, *tegere*: In Law, it is particularly applied to the Eſtate and Condition of a married Woman, who (by the Laws of our Realm) is *ſub poteſtate viri*, and therefore diſabled to make Bargain with any, to the Prejudice of her ſelf, or her Husband, without his Aſſent and Privity, or at the leaſt without his Allowance and Confirmation. *Bro. hoc Tit. per tot.* And *Bracton*, *lib.* 2. *cap.* 15. ſaith, That *Omnia quæ ſunt uxoris, ſunt ipſius viri, nec habet uxor poteſtatem ſui, ſed vir.* And again, *lib.* 4. *c.* 24. *Vir eſt caput mulieris.* And alſo, *lib.* 5. *tract.* 2. *cap.* 3. That in any Law-Matters, *ſine viro reſpondere non poteſt.* And in the ſame Book, *tract.* 5. *cap.* 23. *Vir & uxor ſunt quaſi unica perſona, quia caro una & ſanguis unus; Res licet ſit propria uxoris, vir tamen ejus cuſtos, cum ſit caput mulieris*: And *lib.* 1. *ca.* 10. *num.* 2. *Uxores ſunt ſub virga viri.* And if the Husband alien the Wife's Lands, during the Marriage, ſhe cannot gain-ſay it during his Life. See *Cui ante divortium*, and *Cui in vita*.

Covine, *Covina*, Is a deceitful Aſſent or Agreement between two, or more, to the Prejudice of another. As if a Tenant for Term of Life, or Tenant in Tail will ſecretly conſpire with another, that the other ſhall recover againſt the Tenant for Life, the Land which he holds, *&c.* in Prejudice of him in the Reverſion. It cometh from the *French* Verb *Covenancer*, that is *depaciſci*, or rather *convenir*, id eſt, *convenire*. Dr. *Skinner* takes it to be a Corruption of the Lat. *Conventum*, and therefore writes it *Coven*.

Count, Signifieth as much as the original Declaration in a Proceſs, tho' more uſed in real than perſonal Actions, as a Declaration is more applied to perſonal than real. *F. N. B. a.* 60. *d.* 71. *a.* 191. *e.* 217. *a. Libel* with the *Civilians* comprehends both. And yet *Count* and *Declaration* be ſometimes confounded, as *Count* in Debt. *Kitchin, f.* 281. *Count* or *Declaration* in Appeal. *Pl. cor.* 78. *Count* in Treſpaſs. *Briton, c.* 26. *Count* in an Action upon the Caſe for a Slander. *Kitch.* 252. The Word ſeemeth to come from *France* and *Normandy*, for in the *Grand Cuſtumary*, *c.* 64. *Contours* are taken for ſuch as a Man retains to ſpeak for him in any Court as Advocates; and *c.* 63. *Pledeurs*, he makes another Sort of Spokeſmen in the Nature of Attornies, for one that is himſelf preſent, but ſuffereth another to ſpeak in his behalf. But *Contours* by *Horn's Mir. of Juſt. lib.* 2. *cap. Des Loyers*, are ſuch Serjeants, skilful in the Law, which ſerve the Common People to defend their Actions in Judicature for their Fee, whoſe Duty, if it be as is there deſcribed, and were obſerved, Men might have much more Comfort of the Law than they have.

Countee (Fr. *Comté, a Comitando*, becauſe they *accompany* the King) was next to the Duke, the moſt eminent Dignity of a Subject before, as well as ſince, the Conqueſt: And thoſe who in ancient Time were created *Countees*, were Men of great Eſtate and Dignity: For which Cauſe the Law gives them great Privileges; as, their Perſons may not be arreſted for Debt, Treſpaſs, *&c.* (becauſe the Law intends that they aſſiſt the King with their Counſel for the publick Good, and preſerve the Realm by their Proweſs and Valour); they may not be put upon Juries. If Iſſue be taken, whether the Plaintiff or Defendant be a *Countee*, or not, this ſhall not be tried by the Country, but by the King's Writ. Alſo the Defendant ſhall not have a Day of Grace againſt a Lord of the Parliament, becauſe it is intended he attends the Publick. And of old the *Countee* was *Præfectus*, or *Præpoſitus Comitatus*, and had the Charge and Cuſtody of the County, whoſe Authority the Sheriff now hath. *Coke, lib.* 9. *fol.* 46. and is therefore called *Viſcount*. See *Earl*.

Countenance Seemeth to be uſed for *Credit* or *Eſtimation*. *Old Nat. Brev. f.* 111. in theſe Words; *Alſo the Attaint ſhall be granted to poor Men, that will ſwear they have nothing whereof they may make* Fine, *ſaving their* Countenance: So is it uſed 1 *E.* 3. *Stat.* 2. *c.* 4. in theſe Words, *Sheriffs ſhall charge the King's Debtors with as much as they may levy with their Oaths, without abating the Debtor's* Countenance. See *Contenement*.

Counter, *Computatorium*, may be derived from the Latin *Computare*, to account. But we uſe it for the Names of the two City-Priſons, commonly

ly called the *Counters*; whereinto, he that once ſlippeth, is like to account 'ere he can get out.

Countermand, Is where a Thing formerly executed, is afterwards by ſome Acts or Ceremony, made void by the Party that had firſt done it. As if a Man has made his laſt Will whereby he deviſes his Land to *J. S.* and then he enfeoffs another of the ſame Land; there this Feoffment is a *Countermand* to the Will, and the Will, as to the Diſpoſition of the Land, is void. If a Woman, ſeiſed of Land in Fee, makes a Will in Writing, and deviſes, that if *A.* of *B.* ſurvives her, then ſhe deviſes and bequeaths to him and his Heirs her Land, and afterward ſhe intermarries with the ſaid *A.* of *B.* there by taking him to Husband and Coverture, at the Time of her Death, the Will is *countermanded*.

Counterplea Is compounded of two *French* Words, *Contre*, i. e. *contra, adverſus*; and *Pleder, Cauſam agere*; it ſignifieth properly in our Common Law, a Replication to *Ayde Prier*; for when the Tenant by Curteſy, or in Dower, prayeth in Aid of the King, or him in the Reverſion for his better Defence; or elſe if a Stranger to the Action begun, deſire to be received, to ſay what he can for the Safeguard of his Eſtate; that which the Demandant alledgeth againſt this Requeſt, why it ſhould not be admitted, is call'd a *Counterplea*. And in this Signification it is uſed 25 *E.* 3. *Stat.* 3. *cap.* 7. See alſo the *Terms of the Law*, *f.* 172. and the Statute 3 *E.* 1. *cap.* 39.

Counter-Rolls. *Anno* 3 *E.* 1. *cap.* 10. Sheriffs ſhall have Counter-Rolls with the Coroners, as well of Appeals, as of Inqueſts, &c.

Countors (Fr. *Contours*) have been taken for ſuch Serjeants at Law, as a Man retains to defend his Cauſe, or ſpeak for him in any Court for their Fee. *Horn's Mirror, lib.* 2. *cap. des Loyers.* And of whom thus *Chaucer*,

—— A Sheriff had he been, and a Contour,
Was ne where ſuch a worthy Vavaſour.

They were anciently called *Serjeant Contours. Coke on Littl. f.* 17. *a.*

County, (*Comitatus,*)—*Quod modo vocatur* Comitatus *olim apud Britones temporibus Romanorum vocabatur* Conſulatus; *& qui modo vocantur* Vicecomites *tunc temporis* Viceconſules *vocabantur.* Leg. Edw. Confeſſ. ca. 2. And even in the Confeſſor's Time a County was called *Conſultaus, viz. Fecit ſummoniri per univerſos Angliæ Conſulatus nobiles ſapientes & ſua Lege eruditos.* Leg. Edw. Confeſſor, cap. 1. It ſignifies the ſame with *Shire*, the one coming from the *French*, the other from the *Saxon*; both containing a Circuit or Portion of the Realm, into which the whole Land is divided, for the better Government of it, and more eaſy Adminiſtration of Juſtice: So that there is no Part of this Nation that lies not within ſome *County*; and every *County* is governed by a yearly Officer, whom we call a *Sheriff*. *Forteſcue, cap.* 24. Of theſe *Counties* there are four of ſpecial Mark, which therefore are termed *Counties Palatine*, as *Lancaſter, Cheſter, Durham*, and *Ely*. *An.* 5 *Eliz. cap.* 23. We read alſo anciently of the *Counties Palatine* of *Pembroke* and *Hexam*, *An.* 33 *H.* 8. *ca.* 10. (which laſt did belong to the Archbiſhop of *York*). —— This Act, or any Thing therein contained, ſhall not extend to the County Palatine of Hexam, within the County of Northumberland, nor to the County Palatine of Ely, within the County of Cambridge, *&c.* But by the Statute 14 *Eliz. cap.* 15. this *County Palatine* of *Hexam* was ſtripped of its Privileges, and reduced to a Part of the *County* of *Northumberland*. The chief Governors of theſe *Counties Palatine*, by ſpecial Charter from the King, did heretofore ſend out all Writs in their own Names, and did all Things touching Juſtice as abſolutely as the Prince himſelf in other *Counties*, only acknowledging him their Superior and Sovereign. But by the Statute 27 *H.* 8. *cap.* 24. this Power is much abridged; to which I refer the Reader, as alſo to *Cromp. Juriſd. f.* 137. and 4 *Inſt. f.* 204, and 221.

Beſides theſe *Counties* of both Sorts, there are likewiſe unto ſome Cities ſome Territory, Lands, or Juriſdiction annexed, as the *County* of *Middleſex*, by King *Henry* the Firſt, to the City of *London*: The *County* of the City of *York*. *An.* 32 *Hen.* 8. *cap.* 13. *Cheſter, an.* 45 *Eliz. cap.* 15. *Canterbury. Lamb. Eiren. lib.* 1. *cap.* 9. *Norwich, Worceſter, Coventry, Exeter, &c.* The *County* of the Town of *Kingſton upon Hull.* 32 *H.* 8. *cap.* 13. *Newcaſtle upon Tine, &c.* The *County* of the Town of *Haverford Weſt.* 35 *Hen. cap.* 16. A *County* in another Signification, is uſed for the *County-Court*, which the *Sheriff* keepeth every Month within his Charge, either by himſelf or his Deputy. *An.* 2 *E.* 6. *cap.* 25. *Cromp. Juriſd. f.* 221. *Bract. lib.* 3. *c.* 7. *& lib.* 3. *tract.* 2 *cap.* 12. Of theſe *Counties*, there are reckoned in *England* forty, beſides twelve in *Wales*, making in all fifty-two. The Word *Comitatus*, is alſo uſed for a Juriſdiction, or Territory among the *Feudiſts*. See *Comitatus*.

Counting-Houſe of the King's Houſhold, *Domus Computus Hoſpitii Regis*, Is commonly called *The Green-cloth*, becauſe the Table ſtands always covered with a *Green Cloth*: Here ſit the Lord Steward, Treaſurer *of the King's Houſe*, Controller, Maſter *of the Houſhold*, Cofferer, two Clerks of the *Green-cloth*, and two Clerks Controllers, for daily taking the Accounts of all Expences of the *Houſhold*, making Proviſions, and ordering Payment for the ſame; for the good Government of the *King*'s Servants, and paying the Wages of thoſe below Stairs. Vid 39 *Eliz. cap.* 7. and 4 *Inſt. fol.* 131.

County-Court, *Curia Comitatus*, by *Lambard* is otherwiſe called *Conventus*, in his Explication of *Saxon* Words, and divided into two Sorts; one retaining the general Name, as the *County-Court* held every Month by the *Sheriff*, or his Deputy the *Under-Sheriff*, whereof you may read in *Cromp. Juriſ. f.* 231. The other called *The Turn*, held twice every Year; of which ſee more in its proper Place. And *Cromp. Juriſ. ibid.* This *County-Court* had in ancient Times the Cognizance of great Matters, as may appear by *Glanvile, lib.* 1. *cap.* 2, 3, 4. by *Bracton* and *Britton* in divers Places, and by *Fleta, lib.* 2. *cap.* 62. but was abridg'd by the Statute of *Magna Charta, c.* 17. and much more by 1 *E.* 4. *cap.* 1. It had alſo, and hath the Determination of certain Treſpaſſes and Debts under forty Shillings. *Britton, ca.* 27, 28. What Manner of Proceeding was of old uſed in this *Court*, ſee *Fleta ubi ſupra.*

Before the *Courts* at *Weſtminſter* were erected, the *County-Courts* were the chief *Courts* of this Kingdom: Amongſt the Laws of King *Edgar*, this is one, *viz.* Let the *Hundred-Court* be kept as

anciently, &c. and let there be two *County-Courts* in a Year, in which *County-Court* there shall be a Bishop, and an Alderman or Earl, where one shall judge according to the Common Law, and the other according to the Ecclesiastical Law.

This is the Foundation of the united Power of the Bishop and Earl to sit and try Causes in one *Court*; the Conjunction of which Powers mutually to assist each other, is as ancient as the *English* Government it self; but these Powers were separated by *William the Conqueror*, and soon after all the Ecclesiastical Business was brought into the *Courts*, so called, and the Law Business into the *King's Bench*.

Courracier, A *French* Word signifying a *Horse-Courser*. 2 *Inst. fol.* 719.

Coursitour. See *Cursitor*.

Court, *Curia*, Cometh of the French *Court* which signifies the King's Palace, or Mansion; but derived of the *Latin* Word *Curia*, which among the *Romans*, had divers Significations; and with us also hath Diversity of Senses: As the House where the King remaineth with his ordinary Retinue, and also the Place where Justice is judicially administred, of which you find thirty-two several Sorts in *Crompton's* Book of *Jurisdictions* well described, and of them most are *Courts of Record*, some be not; and therefore are accounted *Base Courts*, in Comparison of the Rest. Besides these, there are also *Courts Christian*, *Smith de Rep. Angl. lib.* 3. *cap.* 6. which are so called, because they handle Matters especially appertaining to *Christianity*, and such as, without good Knowledge in *Divinity*, cannot be well judged of, being held heretofore by Archbishops and Bishops, as from the Pope, because he challenged the Superiority in all Causes Spiritual; but since his Rejection, they hold them by the King's Authority, *virtute magistratus sui*, as the *Admiral* of *England* holds his; whereupon it proceedeth, that they send out their Precepts in their own Names, and not in the King's, as the Justices of the King's *Courts* do. And therefore as the Appeal from these *Courts* did lie to *Rome*; now by the Stat. 25 *H.* 8. *c.* 19. it lieth to the King in his *Chancery*.

Court of the Admiralty, *Curia Admiralitatis*. It was erected, as some hold, by *Edw.* III. for deciding maritime Causes; and the Title of its Judge is, *Suprema Curiæ Admiralitatis Angliæ Locumtenens, Judex sive Præsidens*. For the Extent of its Jurisdiction, see *Prynn's Animadv.* on the 4 *Institute*.

Court-Baron, (*Curia Baronis*) is a *Court* which every Lord of a Manor, (who in ancient Times were called *Barons*) hath within his own Precincts. *Barons*, in other Nations, have great Territories and Jurisdiction from their Sovereigns; but here in *England*, what they are and have been heretofore, see in *Baron*. Of this *Court*, and *Court-Leet*, read *Kitchin*. Sir *Edward Coke*, *lib.* 4. among his Copyhold Cases, *fol.* 26. *b.* says, That this *Court* is Twofold after a Sort; and therefore, if a Man, having a Manor, grant the Inheritance of the Copyholders to another, the Grantee may keep a *Court* for the customary Tenants, and accept Surrenders to the Use of others, and make both Admittances and Grants; the other *Court* is of Freeholders, which is properly called the *Court-Baron*, wherein the Suitors, that is, the Freeholders, are Judges; whereas of the other, the Lord or his Steward is Judge. This therefore is more properly *Curia Baronum*, *i. e.* the *Court* of Freeholders, (for so *Barones* does also signify) over whom the Lord of the Manor presides. See *Halimote* and *Thane*.

Court of Chivalry, (*Curia Militaris*) otherwise called the *Marshal-Court*; the Judges of it are the Lord Constable of *England*, and the Earl *Marshal* of *England*: This *Court* is the Fountain of the *Martial-Law*, and the Earl *Marshal* is both one of the Judges, and to see Execution done. See *Constable*, and 4 *Part Instit. f.* 123.

JEhan, filz, frere, & cncle au Roys, Duc de Bedford, *& d'*Anjou, *Comte* Richemond *& de* Kendal, *& Conestable d'*Angleterre, *a nostre treschere Cousin* Jean Duc de Norfolk, *Mareshal d'*Angleterre *salut. Nous vous mandons & chargeons qui vous facez arreestre & venir devant nous ou nostre Lieutenant a* Westminster *a la Quinziesme du Saint* Hillaire *prochain venant* William Clopton *du* Counte *de* Suffolke *Esqueir, pour adunque respondre devant nous ou nostre Lieuteniant, en la* Cour de Chivalrie, *a* Robert Eland *Esquier de Comte de* Nichol *de ce que le dit* Robert *adunques luy furmettra par voie de Armes, ad & appose le Seel de ces Armes a un faux & forge fait, as domages du dit* Robert *de* C. l. *&c. Donne soubz le seel du nostre office, &c.*

Court Christian, (*Curia Christianitatis*,) so called, because, as in secular *Courts*, the King's Laws do sway and decide Causes; so in Ecclesiastical *Courts*, the Laws of *Christ* should rule and direct; for which Cause, the Judges in those *Courts* are Divines, as Archbishops, Bishops, Archdeacons, &c. *Lyndwode's* Words are these: *In curia Christianitatis, i. e. Ecclesiæ, in qua servantur Leges Christi, cum tamen in foro regio serventur Leges mundi.* 2 Part Inst. f. 488. See before in *Court*.

But under the specious Pretence of judging according to the Laws of *Christ*, there was a Complaint made against the Bishops long before the Reformation, That they had extended their Jurisdiction so far, that they had left very little Business for the secular Judges; for they assum'd the Judicature over the Clergy, and every one who had Tonsure; and for that Purpose they would cause a great Number of Boys to be shaved: And though they had no legal Jurisdiction in criminal Cases, of the Clergy, but only in the Execution of the Sentence, which was Degradation; yet they judged likewise in those Cases, and in all spiritual Causes whatsoever; in Cases of Tithes and other Profits arising to the Church; in Cases relating to the Faith and Sacraments; in Cases of Heresies; of any Violence done to the Church or to the Clergy; of Fornication and Adultery; of the Privileges of those who had taken upon themselves the Sign of the Cross; of all matrimonial Causes; of Bastardy and Legitimation; of last Wills and Testaments, and of Lands and Tenements which were given in Alms; of Usury, &c. *Du Cange*.

Court of Delegates is the highest *Court* for Civil Affairs that concern the Church; the Jurisdiction whereof was established by 25 *Hen.* 8. *cap.* 19. From the highest *Court* of the Archbishop of *Canterbury*, there lies an Appeal to this *Court*, and from this to no other. See *Delegates*.

Court of the Legate was a *Court* obtained by Cardinal *Wolsey*, of Pope *Leo* the Tenth, in the Ninth Year of *Henry* the Eighth, wherein he had

Power to prove Wills, and dispense with Offences against the Spiritual Laws, &c. And was but of short Continuance.

Court of Peculiars (*Curia Peculiarium*) is a *Spiritual Court*, held in such Parishes as are exempt from the Jurisdiction of the Bishops, and are peculiarly belonging to the Archbishop of *Canterbury*, in whose Province there are fifty-seven such *Peculiars*.

Court of Pie-Powders. See *Pie-Powders.*

Court of Requests, (*Curia Requisitionum*) was a *Court* of Equity, of the same Nature with the *Chancery*, but inferior to it; principally instituted for the Relief of such Petitioners, as in conscionable Cases addressed themselves by Supplication to his Majesty. Of this *Court* the *Lord Privy Seal* was Chief Judge, assisted by the *Masters of Requests*; and it had Beginning about the 9 *H.* 7. according to Sir *Julius Cæsar*'s Tractate on this Subject. *Mich.* 40 & 41 *El.* in the *Court* of *Common Pleas*, it was adjudged upon solemn Arguments, That this *Court of Requests*, or the *Whitehall*, was no *Court* that had Power of Judicature, &c. See 4 *Part Inst. f.* 97.

Courtilage. See *Curtilage.*

Court-Lands, *Terræ Curtiles*, Demains, or Land kept in *Demesne*, *i. e.* in the Lord's own Hands, to serve his Family. See *Curtiles Terræ.*

Courtesy of England. See *Curtesy of England.*

Cousinage. See *Cosenage.*

Coustangium, or **Coustamentum**; the same with *Custantia*: It signifies Costs.

Couthutlaugh (from the Sax. *Couth*, *sciens* & *Utlaugh*, *exlex*) is he that willingly receives a Man outlawed, and cherishes or conceals him. In which Case he was, in ancient Time, subject to the same Punishment that the *Outlaw* himself was. *Bracton*, *lib.* 3. *tract.* 2. *ca.* 13. *num.* 2.

Cowela. A Cowel, or Coule, or Tub with two Ears, to be carried between two Persons on a Coul-Staff. A *Cowl* in *Essex*, is the Appellative for any Tub; whence a *Cowler* now pronounced, a *Cooler*, or Brewing Vessel. —— *Pro novo* Cowele *empto ix. den.* Paroch. Antiq. pag. 549.

Craiera, A Vessel of Lading or Burden, a Hoy or Smack ——Richardus *Rex*, &c. Thomæ de Perecy *Admirallo nostro* —— *in Parliamento ordinatum extitit* —— *percipiendi de qualibet navi* & craiera, *cujuscunq; fuerit portagii, quæ Mare transierit, infra dictum Admiratum eundo* & *redeundo pro viagio, de quolibet tonnetight sex denarios.* Pat. 2. Ric. 2.

Crails, or rather *Crails*, an Engine to take Fish.

Cranage, *Cranagium*, Is a Liberty to use a *Crane*, for the drawing up of Wares from the Vessels at any Creek of the Sea or Wharf, unto the Land, and to make Profit of it. It signifies also the Money taken, and pay'd for the same. *New Book of Entries*, *fol.* 3. *col.* 3. *Anno* 22 *Car.* 2. *cap.* 11.

Crannock, *Crennoc*, An old Measure of Corn. ——*Quilibet debet flagellare dimidium* crannock *frumenti ad semen*, & *duos bussellos frumenti contra Natale in firma sua.* Cartular. Abbat. Glaston. MS. f. 39. a. ——*Rex mandat* G. de Mariseo *Justiciario* Hiberniæ. *ut liberet Regi* Manniæ *singulis annis duo dolia vini*, & *sexies viginti* crennoc *bladi, pro homagio suo.* Clauss. 3. H. 3. m. 2.

Crappa, *Anglice* **Crap**: The Seeds of a Weed in Corn, *Abjectio vero bladi* & Crappa *hujusmodi, quæ in Anno remanserit, recolligitur ac potius trituretur.* Fleta, lib. 2. c. 82.

Craspicis, *i. e. Piscis crassus*, a Whale.

Crastino Sancti Vincentii, The Morrow after the Feast of St. *Vincent* the Martyr, being the 22d of *January*, is the Date of the Statute made at *Merton*, *Anno* 20. H. 3.

Cravare, *i. e.* To impeach, *viz. Si homicida divadietur ibi vel* Cravetur, *fit vitam*, &c. Leg. H. 1. c. 30.

Cravent or Craven. In a Trial by Battel. Upon a Writ of Right, the ancient Law was, That the Victory should be proclaimed, and the Vanquished acknowledge his Fault in the Audience of the People, or pronounce the horrid Word *Cravent*, in the Name of *Recreantise*, &c. and presently Judgment was to be given, and after this, the *Recreant* should *Amittere liberam legem*, that is, he should become infamous, &c. See 2 *Part. Instit.* 247, 248. If the Appellant join Battel, and cry *Craven*, he shall lose *liberam legem*; but if the Appellee cry *Craven*, he shall be hang'd. 3 *Inst. f.* 221. We still retain this Word *Craven*, for a Coward.

Craver seems to be a Kind of small Sea-Vessel or Ship, mentioned in the Statute 14 *Car.* 2. *cap.* 27. *Et transitus* Craerarum & *Batellorum cum victualibus* & *aliis necessariis*, &c. Pat. 6. R. 2. Part 2. m. 13.

Creamer, A foreign Merchant, a Pedlar, one who hath a Stall in a Fair or Market.

Creansor, *Creditor*, Cometh of the *French* Word *Croyance*, *Persuasio*, and signifieth him that trusteth another with any Debt, be it in Money or Wares. This Word is used in the *Old Nat. Brev.* in the Writ of *Audita Querela*, *f.* 66. *a.* 38 *Ed.* 3. *cap.* 5.

Creast, *Crest*, *Crista*; Any Imagery, or carved Work, to adorn the Head, or Top of any Wainscot, &c. like our Modern *Cornish*: The Word is now adopted by the *Heralds*, and apply'd to the Device set over a Coat of Arms. —— *Et* Willielmo Hykkedon *conducto in grosso ad mensam Domini ad dolandum* & *perficiendum* Le Crest, *super cancellum Prioratus ibidem.* —— Mr. *Kennet's* Paroch. Antiq. p. 575.

Creast tile. Vid. *Roof-tile.*

Creation-Money, (*Stat.* 12 *Car.* 2. *c.* 1.)

Creche, A drinking Cup: 'Tis mentioned in the *Monasticon*, 1 *Tom. pag.* 104. *Vas vero quod* Creche *nuncupatur septem pollices continet*, viz. *ad profunditatem a summitate unius usque ad profundum lateris alterius.*

Creek, (*Creca*, Sax. *Crecca*) is a Part of a Haven, where any Thing is landed from the Sea. So that when you are out of the main Sea within the Haven, look how many landing Places you have, so many *Creeks* may be said to belong to that Haven. See *Cromp. Jurisd. fol.* 110. *a.* This Word is mentioned in the Stat. 4 *H.* 4. *cap.* 20. (where 'tis said,——*in great Ports of the Sea, and not in* Crykes *or small Arrivals*) 5 *Eliz. cap.* 5. and 14 *Car.* 2. *ca.* 28. and in *Plow. Casu Renyger* & *Fogassa.*

Crementum Comitatus. The Improvement of the King's Rents above the ancient Vicontiel Rents, for which Improvements the *Sheriff* answered under the Title of *Crementum Comitatus*, or *Firma de cremento* Comitatus, *Hale of Sheriffs Accounts*, *p.* 36.

Cremil, The same with *Crimson.*

Crepare oculum, To put out an Eye: *Si quis alii* crepat oculum *solvat ei sexaginta sol.* Leg. H. 1. cap. 93.

Cretinus, *Cretena*, a ſudden Stream or Torrent ——— *Crux lapidea conſtructa fuit* ——— *cujus quidem crucis corpus per* cretinum *aquæ & tempeſtatem venti obrutum, & confractum exiſtit.* Hiſtor. Croyland. Contin. pag. 485. —— *Omnes inundationes & communes aquarum* cretenas, *ſufficienter defendere poſſit.* Ibid. p. 617.

Cro, Crop, ſignifies Marſh-Land: *Et quia paluſtris hujus* Croyland *ut ipſum nomen indicat, nam crudam terram & cœnoſam ſignificat.* Ingulphus, *pag.* 853.

Crocarde, A Sort of Money, very baſe. See *Pollards.*

Croca Cowellet, i. e. *Olla ſimul bullit*, from the Saxon *Crocca*, i. e. *Olla*, and *Fellen*, *bullire. Si plures aliqui faciunt homicidium quorum* Crocca Cowellet, *ſi velint ſimul componant.* Leg. Hen. 1. cap. 78.

Crocium. This perhaps is the only Word that exerciſed, and eſcaped the Sagacity of the very acute Sir *Henry Spelman*; who in his *Gloſſary*, expreſſes it to this Effect: *I hear there is in* Ireland *a Charter of King* Henry II. *wherein he grants very ample Privileges to a certain Biſhop,* ——— *exceptis Foreſtallis, theſauro invento,* crociis, *&c. What is meant here by* crociis, *I have endeavoured to find, but can make no Anſwer; if it be any Thing elſe than the* Cro *in the* Scotiſh *Law, that is, the* Weregild, *or Compoſition for Manſlaughter. For though that Prince had taken away the Cuſtoms of* Weregild *from his Subjects, yet he left them entire among the* Iriſh. —— This Miſtaken Senſe of a Word, is yet rare in *Spelman*; but it is not ſo much a Wonder, that *Du Freſne* ſhould not find the true Meaning of it, which yet ſeems very obvious. For *Crocia* was no more than the Croſier, or Paſtoral Staff, which Biſhops and Abbats had the Privilege to carry, as the common Enſign of their religious Office; as being inveſted in their Prelacies, by the Delivery of ſuch a *Croſier.* Hence the Word *Crocium* and *Crocia*, did ſometimes denote the Collation or Diſpoſal of Archbiſhopricks and Abbies, by the Donation of ſuch Paſtoral Staff. So as when the King granted large Juriſdiction, *&c. exceptis Crociis*, it is meant, except the Collation or Inveſtiture of Epiſcopal Sees and Abbies.

Crociarius, The Crociary, or Croſs-bearer, who, like our Virger, went before the Prelate, and bore his Croſs.———Robertus de Wycumbe, *Clericus Epiſcopi* Dunelm. *quem vulgo* Crociarium *ejus vocant.* ——— *Liber de Miraculis* Tho. Cantilup. *Epiſc.* Heref. *MS. ſub Anno* 1290.

Croco-Calana, *Ancaſter* in *Lincolnſhire.*

Crocus, curled Hair: *Pryn. Ch. Lib. Angl. Tom.* 2. *pag.* 479. *Sciatis quod poteſtatem vobis dedimus, capillos Clericorum noſtrorum, longos crines habentium, & ad* Crocos *capillorum ſuorum deponendos, &c.*

Croft (Sax.) *Croftus & Crofta*, A little Cloſe or Pitle, encloſed near a Dwelling-Houſe, for any particular Uſe. *Poſſunt etiam dicti Monachi de eiſdem mariſcis verſus occidentem jacentibus, pro ſe & hominibus ſuis, includere* Croftos, *ſive pratum juxta pontem ſeparaliter quantum illis placuerit.* Ingulf. In ſome ancient Deeds *Crufta* occurs, as the *Latin* Word for a *Croft*; but *cum Toftis & Croftis* is moſt frequent. *Croft* is tranſlated by *Abbo Floriacenſis*, by *Prædium*, a Farm. It ſeems to come of the old *Engliſh* Word *Creafe*, which ſignify'd *Handicraft*, becauſe ſuch Grounds are for the moſt part manured, and extraordinarily dreſs'd by the Labour and Skill of the Owner.

Croſſes, (*Cruce ſignati*) is uſed by *Briton, cap.* 122). for *Pilgrims*, becauſe they wear the Sign of the *Croſs* upon their Garments. Of theſe, and their Privileges, read *Bracton, lib.* 5. *part* 2. *ca.* 2. and *part* 5. *c.* 29. and the *Grand Cuſtumary of Normandy, c.* 45. Under this Word are alſo ſignified the Knights of St. *John* of *Jeruſalem*, created for the Defence of Pilgrims; and all thoſe worthy Men of the Nobility and Gentry of *England*, who, in the Reigns of King *Henry* the Second, *Richard* the Firſt, *Henry* the Third, and *Edward* the Firſt, were *Cruce ſignati*, as dedicating and liſting themſelves to the Wars, for the Recovery of *Jeruſalem* and the *Holy Land. Greg. Syntag. Lib.* 15. *cap.* 13 & 14.

Croſs, *Crocus, Capillorum croci*, Turning up the Hair into Curls or *Croks*; whence *Crook, crooked, &c.* ——— *Rex* Willielmo de Peretot, *Salutem, Sciatis quod conceſſimus, & plenam poteſtatem vobis dedimus ſcindendi capillos Clericorum qui ſunt de hoſpitio noſtro, & familia noſtra longos crines habentium, & comas intorquentium, & ad* crocos *capillorum ſuorum deponendos; & ideo vobis mandamus quatenus ad hoc modo debito diligenter intendatis, hujuſmodi poteſtatem noſtram vobis conceſſam taliter exequentes circa prædictos capillos ſcindendos, &* crocos *deponendos, ne ad capillos veſtros ſcindendos forcipes apponere debemus: Teſte Meipſo apud Clare.* 11 *die Sept.* Pat. 21. H. 3.

Croppa. Sax. *Croppas*, A *Crop* of Corn, or the Product in Harveſt. —Johannes, *Prior & Conventus concedunt* Radulpho de Hok, *terram de* Yorkherſt——croppam *autem de ipſa terra provenientem ſæpe dictus* Radulphus, *tempore meſſionis in eadem terra debet reponere & cuſtodire.* Regiſtr. Cant. Eccleſiæ MS. So alſo *Croppus* occurs in the ſame Senſe. See Mr. *Kennet's* Paroch. Antiq. pag. 298. Sax. *Crop*, the Top or Head of any Thing: Whence to *crop* or cut off the upper Part; *Crop-ear'd*, a *Crop* of Beef. In *Suſſex*, they call Darnel *Crop*; and in *Worceſterſhire*, Buck-Wheat goes by the like Name of *Crop.* The old Lat. *Cropa*, was the Buttock of a Horſe, whence *Crupper.*

Croſier, the paſtoral Staff of a Biſhop, ſo called *a ſimilitudine crucis.*

Croſſes, It was uſual in former Times for Men to erect *Croſſes* on their Houſes, by which they would claim the Privileges of the Templars or Hoſpitallers, to defend themſelves againſt their rightful Lords; this was condemned by the Statute *W.* 2. *cap.* 13. It was uſual alſo in thoſe Days to ſet up *Croſſes* in Places where the Corps of any of the Nobility reſted, as it was carried to be buried, that *a Tranſeuntibus pro ejus animo deprecetur.* Walſingham, Anno 1291.

Cruſtum was a Garment of Purple mixed with many Colours: *Duas patenas argenteas auro ornatas, cum duobus urceolis & cruſto aureo.* Mon. 1 Tom. p. 210.

Crypta, A Chapel or Oratory under Ground: *Egreſſo toto conventu, accepta abſconſa ſi nox eſt. vadit per* cryptam. Du Cange.

Cucherus, *Canis Prodriarius*, a Coucher, Setter, a Setting-Dog.——— W. *Primas* Ebor——— *dilecto Priori de* Birſtall, *Salutem, &c. Rogamus dilectionem veſtram quatenus ſi placeat, cum celeritate qua poteritis, Nobis provideatis in partibus veſtris tranſmarinis de duobus* canibus prodriariis, *ſeu* cucheris, *& vobis de pretio fideliter & plene reſpondebimus & de cuſtu, hoc ſicut Nos diligtis nullatenus omitatis; ita*

quod dictos canes habeamus circa Festum Beati Michaelis *omnimodo. Dat.* Beverlaci, 10 *Kal. Sept.* 1280. Ex Regiſtr. Will. Wickwane, Archiep. Ebor.

Cuckingſtool, or **Cokeſtool**, (*Tumbrellum*,) is an Engine invented for the Puniſhment of Scolds and unquiet Women, by ducking them in the Water, called in ancient Time a *Tumbrel*, and ſometimes a *Trebuchet. Lamb. Eiren. lib.* 1. *ca.* 12. *Bracton* writes this Word *Tymborella. Kitchin.* (*cap. Charge in Court-Leet, f.* 13. *a.*) ſays, Every one having View of Frank-pledge, ought to have a *Pillory*, and a *Tumbrel.* This was in uſe even in our *Saxons* Time, by whom it was called *Scealfingſtole*, and deſcribed to be *Cathedra, in qua rixoſæ mulieres ſedentes aquis demergebantur:* It was a Puniſhment anciently inflicted upon Brewers and Bakers tranſgreſſing the Laws, who were thereupon, in ſuch a Stool or Chair, to be ducked and immerged *in ſtercore*, ſome muddy or ſtinking Pond. This I find alſo anciently written, *Gogingſtole.* See *Pandoxatrix.* And in *Domeſday*, it is called *Cathedra Stercoris.* Some think it a Corruption from *Duckingſtool*; others from *Choakingſtool*; *quia hoc modo demerſæ aquis fere ſuffocantur.*

Cude, A *Cude-cloth*, a Chryſom, or Face-cloth for a Child; the Prieſt's Fee in Time of *Roman* Impoſition. Probably *Gude-cloth*, i. e. *God's Cloth*, or the Holy Piece of Linen, uſed in the Dedication of the Child to God.

Cudzeach, a Pledge or Surety.

Cudutlaugh. See *Coutheulaughe.*

Cui ante Divortium, Is a Writ, that a Woman divorced from her Husband, hath to recover Lands or Tenements from him, to whom her Husband did alienate them during the Marriage, becauſe ſhe could not gainſay it. *Reg. Orig. fol.* 233. *F. N. B. f.* 240.

Cui in Vita, Is a Writ of Entry, that a Widow hath againſt him, to whom her Husband alienated her Lands or Tenements in his Life-time, which muſt contain in it, That during his Life-Time ſhe could not withſtand it. *Reg. Orig. fol.* 232. *F. N. B. f.* 193. See *the New Book of Entries, verbo* Cui in vita.

Cuillieurs des gentz, *Whereas Murders*, Cuillieurs des Gentz, *Robberies*, &c. *are done and committed without Number*, &c. Cotton's Abr. of Records, f. 62. 21 Ed. 3. 9.

Cuinage. See *Cuynage.*

Culagium, Is when a Ship is laid up in the Dock, to be repaired. *MS. Ar. Trevor. Arm. de plac. E.* 3.

Culpatura, A ſmiting or cutting, from the Fr. *Couper*, to cut: *Qui autem forisfaciat in foreſta Regis de viridi, ſive per* Culpaturam, *ſive per Eſbrancaturam, ſive per foditionem turbarum, ſive per Excoriationem moræ, ſive per* culpationem *ſub nemore, ſive per eſſartum*, &c. Hoveden, p. 784.

Culprit is compounded of two Words, *i. e. Cul* and *Prit*, viz. *Cul*, which is the Abbreviation of *Culpabilis*, and is a Reply of a proper Officer in the Behalf of the King, affirming the Party to be guilty after he hath pleaded Not guilty, without which the Iſſue is not joined: The other Word *Prit* is derived from the *French* Word *Preſt*, *i. e.* ready; and 'tis as much as to ſay, That he is ready to prove the Party guilty: And this we find to be often the Form of Pleading in civil Cauſes; as in Treſpaſs, the Defendant pleaded Not guilty, the Plaintiff replied by his Counſel *Cretenus preſt au que cy*, *viz.* he was ready to prove him guilty.

Culreach, the ſame with *Cudreach.*

Cultura, A Parcel of arable Land: Dr. *Thoroton* in his *Nottinghamſhire*, engliſhes it, a *Wong*, It often occurs in old Writings, as *totam illam* Culturam *quæ vocatur* Watereroft.

Culvertage, *Culvertagium*, May be interpreted *Cowardice*, as *Omnes cum equis & armis; juſſit ſub nomine* Culvertagii *convenire.* Mat. Pariſ fol. 233. Culvertagium *dictum puto a Columbina timiditate, nam* Culver *idem eſt quod* Columba. *Spelm. in voce* Niderling. Others fancy it *a* Culum vertendo, *i. e.* Running away. Theſe are the Opinions of ſome Men, but without any Foundation; it rather ſignifies ſome baſe Slavery, or the Confiſcation of Eſtate, *viz. Rex Johannes brevi ſuo ad vicecomites juſſit, ut nullus remaneat qui arma portare poſſit ſub nomine* Culvertagii *& perpetuæ ſervitutis:* And in another Place, *Nihil magis quam opprobrium* Culvertagii *metuentes.* Matt. Pariſ. Anno 1212. It ſeems therefore to be the ſame with *Couvrir le feu*, for when a Lord ſeizes his Vaſſal's Eſtate as forfeited, he is ſaid *Couvrir le feu*, to cover or put out his Fire. *Du Cange.* Therefore the true Senſe of the Word is not Cowardice, but Confiſcation, or Forfeiture of Lands and Goods: It was a *Norman* Feudal Term for Lands of the Vaſſal eſcheating to the Lord: And *ſub nomine culvertagii* was under Pain of Confiſcation.

Culward and **Culverd**, *Salva Summonitione de* Culward. *Charta Willielmi de Tabley temp. Ed.* I. ſeems to be the ſame with *Culvertage*, or Cowardice.

Cuna. Domeſday, *Tit.* Ceſtria. *Quando Rex ita veniebat, reddebat ei unaquaque carrucata cc. heſtas, & unam* cunam *plenam cerviſiæ.* So *Cuſtumar. de Hecham, p.* 21. *Omnis Lanceta & Toftman inveniet* cunam, *ſi habeat, ad cerviſiam Domini faciendam*—— Thus *Spelman* reads the Word; but it truly is *Cuva*, Gall. *Cuve*, Angl. *Keeve*, *Keever*, a Tub or Fat for Brewing.

Cuna Cervisiæ, a Tub of Ale. *Domeſday.* See *Ruſta.* And to this Day, in *Cheſhire*, a brewing Veſſel is called a *Cump.*

Cunage, (*Cunagium*) —— *De* Cunagio *Stanneriæ & de emptione totius Stanni in Com. Devon. & Cornub.* Rot. Pat. 21 Ed. 3. See *Coinage.*

Cunetio. *Marlborough*, or the *Kennet.*

Cuneum Monetæ. *Otho tenet manerium de Lilleſton in Com. Midd. per Serjantiam cuſtodiendi* Cuneum Monetæ *Domini Regis, i. e. Sigillum ferreum quo nummus cuditur*; the King's Stamp for Coinage. Hence comes our Word *Coin*, *quaſi*, *Cune. Sciatis quod conceſſimus venerabili Patri noſtro* Ciceſtr. *Epiſcopo, quod habeat* Cuneum *ſuum in Civitate* Ciceſtriæ, &c. *T.* 29 *Apr.* Clauſ. 6. Joh. m. 3.

Cuneus, A Mint, or Place to coin Money, *Mandatum eſt*, &c. *ſciatis quod conceſſimus venerabili Patri noſtro* Ciceſtr. *Epiſcopo quod habeat* Cuneum *ſuum in Civitate* Ciceſtriæ, &c. T. 29. *Apr. Clauſ.* 6. *Joh. m.* 3.

Cuntey Cuntey, Is a Kind of Trial, as appeareth by *Bracton*, in theſe Words, *Negotium in hoc caſu terminabitur per* Cuntey Cuntey *ſicut inter cohæredes.* Bract. lib. 4. tract. 3. cap. 18. And again in the ſame Place, *In brevi de recto negotium terminabitur per Cuntey Cuntey.* And thirdly lib. 4. tract. 4. cap. 2. *Terminabitur negotium, per breve de recto, ubi nec duellum nec magna Aſſiſa, ſed per* Cuntey Cuntey *omnino*, which in my Opinion is as much as by the ordinary Jury.

Curagulus, One who taketh Care of a Thing: *Ego Edmundus Rex Anglorum &* Curagulus *multarum gentium.* Monaſticon, 2 Tom. in a Charter of King *Edmond.*

Cura Monaſterii, An Officer ſo called, who had the Charge of the Monaſtery: *Cura cum ipſis remanente qui cum ipſis manducet.* Du Cange.

Curfew, Cometh of two *French* Words, *Couvrir*, that is, *tegere*; and *Feu ignis*, Fire: We uſe it for the Ringing of a Bell, by which the *Conqueror* willed every Man to take Warning for the Raking up, or Covering of his Fire, and the putting out of his Light. So that in many Places at this Day, where a Bell euſtomably is rung towards Bed-time, it is ſaid to ring *Curfew. Stow's* Annals, *in vita* Gul. Conqueſtor.

Curia, It was uſual for the Kings of *England* to aſſemble the Biſhops, Peers, and great Men of the Kingdom to ſome particular Place, at the chief Feſtivals in the Year, and this Aſſembly is called by our Hiſtorians, *Curia*; becauſe there they conſulted about the weighty Affairs of the Nation, and therefore it was ſometimes called *Solennis Curia, generalis Curia, auguſtalis Curia*, and *Curia publica, &c.* This Word was ſometimes taken for the Perſons, or feudatary and other euſtomary Tenants, who did their Suit and Service at the Court of the Lord: So in a Charter of *Bernard de St. Walery, Anno* 30 *H.* 3. we find, *Hiis teſtibus, &c. & omni curia mea.* Kennet's Paroch. Antiq. f. 139.

Curia adviſare vult, Is a Deliberation which the Court ſometimes takes, before they give Judgment in a Cauſe, wherein there ſeems to be any Point of Difficulty; for which, ſee the *New Book of Entries* on this Word.

Curia Baronum. See *Court-Baron.*

Curia Canonicorum, The Court-lodge, or Manor-Houſe in a Lordſhip belonging to the Religious. *Juxta Rivulum extra Curiam Canonicorum.* Paroch. Antiq. p. 177.

Curia claudenda, Is a Writ that lieth againſt him who ſhould fence and cloſe up his Ground, if he refuſe or defer to do it. *Reg. Orig. fol.* 155. *F. N. B. fol.* 127. See alſo *The new Book of Entries, verbo* Curia claudenda.

Curia Domini, The Lord's Houſe, Hall, or Court, where all the Tenants, if Need require, were bound to attend every three Weeks, but generally at the Feaſts of the *Annunciation* and St. *Michael*; from whence the Courts kept at thoſe Times, were called *Curiæ generales*, the General, or more Solemn Court.

Curiæ adventus, The Day of coming to pay Suit and Service at the Court of the Lord: *Reddit per annum ad terminum ipſius unam Marcam & unum* adventum Curiæ; *i. e.* For the Rent of a Mark, and the Service of coming to the Lord's Court yearly. *Paroch. Antiq. pag.* 400.

Curialitas Angliæ. See *Curteſy of* England.

Curia Militum, A Court ſo called, anciently held at *Carisbroke Caſtle* in the Iſle of *Wight.*——*Et idem Dominus Willielmus de Inſula debet facere ſectam ad curiam Domini Caſtri de Carisbroc, de tribus ſeptimanis in tres ſeptimanas in Curia, quæ vocatur* Curia Militum. Inq. de Anno 47 Hen. 3. n. 32.

Curia Penticiarium, Id eſt, *Curia in civitate* Ceſtriæ *coram Vicecomite ibidem in* Aula Penticia *ejuſdem Civitatis.* Pl. in Itin. apud Ceſtriam, 14 H. 7. It is probable this Court was originally kept under a *Pentice*, or Shed covered with Boards, and thence took Denomination.

Curia Perſonæ, The Parſonage-Houſe, or Manſe.——*Omnes obventiones altaris & cœmeterii prædictæ Eccleſiæ, & totam terram, &* Curiam Perſonæ——*croſtam quæ jacet Juxta* Curiam Perſonæ,——*Kennet's* Paroch. Antiq. p. 205.

Curio, *Corebridge* in *Northumberland.*

Curnoch, Is four Buſhels, or half a Quarter of Corn. *Fleta, lib.* 2. *cap.* 12.

Curriculus, the Year, or Courſe of a Year: *Actum eſt hoc annorum Dominicæ incarnationis quatuor quinquagenis & quinque, quinis luſtris & tribus* Curriculis, *i. e.* the Year 1028. for Four-times fifty makes 200. and 5 Times 200 makes 1000, 5 *luſtra* are 25 Years, and 3 *Curriculi* are 3 Years.

Currier, Is one that dreſſes or liquors Leather, and is ſo called of the *French* Word *Cuir*, i. e. *Corium, Leather:* The Word is uſed in all the Statutes made for the good making of Leather, as 1 *Jac. cap.* 22.

Curſer, *Curſor*, A Courier: or Expreſs Meſſenger of Haſte.——H. *Rex* Angl. *&c.* L. *Principi* Aberfrawe *Domino de* Snoudon, *Salutem, &c. Sit notum. Quia propter inundationes aquarum & viarum diſcrimina Nuncii noſtri ad nos accedere non poſſunt, per* Curſer *quendam literas præſentes duximus deſtinandas.* Cart. H. 3.

Curſitor, *Clericus de curſu*, Is an Officer or Clerk belonging to the *Chancery*, that maketh out original Writs, 14 & 15 *H.* 8. *cap.* 8. They be called *Clerks of the Courſe*, in the Oath of the Clerks of the *Chancery* appointed 18 *E.* 3. *Stat.* 5 *cap. Unico.* There be of theſe twenty-four in Number, which have allotted to them ſeveral Shires, in which they make out ſuch original Writs as are by the Subject required, and are a Corporation of themſelves.

Curſones terræ.——*Sciant quod ego* Willielmus Crump, *dedi*——Henrico de Sweton *unam dimidiam coram, & duos* curſones *terræ meæ in* Lyſton, &c. *Dat.* 14 *Ed.* 2. Seems to ſignify Ridges of Land.

Curteſy of England, (*Jus Curialitatis Angliæ*) is where a Man takes a Wife ſeiſed of Land in Fee-ſimple, Fee-tail general, or as Heir in Tail ſpecial, and hath Iſſue by her, Male or Female, born alive; if the Wife die, the Husband ſhall hold the Land during his Life, by the Law of *England*, and he is called *Tenant by the* Curteſy *of* England; becauſe this Privilege is not allowed in any other Realm, except in *Scotland*, where it is called *Curialitas Scotiæ.*

I do not find any ſuch Privilege before the Conqueſt, here in *England*; but it was a Cuſtom before that Time uſed in *Normandy*, and probably derived from them; it was called in their Language, *Veuvete, de quo ſic jura & conſuetud.* Norman. cap. 121. viz. *Conſuetudo eſt in* Normannia *ex antiquitate approbata, quod ſi quis uxorem habuerit ex qua hæredem aliquem procreaverit, quem natum vivum fuiſſe conſtiterit, ſive deceſſerit, totum feodum quod maritus poſſidebat ex parte uxoris ſuæ tempore quo deceſſerit, ipſi marito quamdiu ab aliis ceſſerit nuptiis remanebit.*

Curtepye, *Curtana*, Was the Name of King *Edward the Confeſſor's* Sword, which is the firſt Sword carried before the King of this Land at his Coronation. *Mat. Pariſ. in Vita Henrici Tertii.* And they ſay the Point of it is broken, which may ſeem therefore to be an Emblem of Mercy.

Curtilage, (*Curtilagium*) From the French *Cour*, Court, and Saxon *Leagh, locus*: A Yard, Backſide, or Piece of Ground lying near a Dwelling-houſe, where they ſow Hemp, Beans, and ſuch like. *Perſolvunt* (decimam) *Lactis, hortorum*, Curtilagiorum, *Lanæ, &c.* Provinciale Angl. lib. 3.

3. Tit. de Decimis.——*Et ſi in* Curtilagio *alicujus bladum ſeminaretur, decimam garbam illius bladi, ſicut in campis, percipiet.* Inq. 36 Hen. 3. *Mihi dici videtur* Curtilagium (ſays *Spelman*) *a* Curtillum *& ago, ſcil. locus ubi curtis vel curtilli negotium agitur.* It is mentioned *Anno* 4 *E.* 1. *cap. unico. Anno* 35 *Hen.* 8. *cap.* 4. and 39 *Eliz. cap.* 2. See *Coke, Vol.* 6. *fol.* 64. *a.* and *Bulſtrode's Rep.* 2 *part. fol.* 113. *Cum quodam gardino &* Curtilagio, 15 *Edw.* 1. *nu.* 34. by which it ſeems to differ from a Garden.

Curtiles terræ, Court-Lands. Among our *Saxon* Anceſtors, thoſe *Thanes*, who poſſeſt *Bockland*, or Hereditary Lands, divided them into *Inland* and *Outland*. The *Inland* was that which lay moſt convenient for the Lord's Manſion-Houſe; and therefore the Lords kept that Part in their own Hands, for Support of their Family, and for Hoſpitality. The *Normans* afterwards called theſe Lands *Terras Dominicales*, the *Demains*, or Lords Lands. The Germans *Terras Indominicatas*, Lands in the Lord's own Uſe. The *Feudiſts Terras Curtiles*, or *Intra curtem*, *Lands* appropriate to the Court or Houſe of the Lord. *Spelman of Feuds*, *c.* 5.

Curvare and Curvatus. See *Cravare.*

Cuſtantia, The ſame with *Coſtagium*, which ſignifies Coſts.

Cuſtode admittendo, and Cuſtode amovendo, Are Writs for the Admitting or Removing of Guardians. *Reg. Orig. in Indice.*

Cuſtomes Libertatis Angliæ authorizate Parliamenti, Was the Stile wherein Writs and other judicial Proceedings did run during the late Times of Trouble, *viz.* From the Murder of King *Charles* the Firſt, till the Uſurpation by *Cromwell*, mentioned and declared traiterous by the *Stat.* 12 *Car.* 2. *cap.* 3.

Cuſtodiam dare, Was a Gift or Grant for Life: *Tradidit autem Rex Willielmo filio Aldalmi civitatem Wexfordiæ in cuſtodia, &c.* Du Cange.

Cuſtom, *Conſuetudo*, Has all one Signification with our common Lawyers and Civilians, being by both accounted a Part of the Law: *Conſuetudo quandocunque pro Lege ſervatur*, ſaith *Bracton*, *partibus ubi fuerit more utentium approbata; Longævi enim temporis uſus & conſuetudinis non eſt vilis authoritas*, lib. 1. cap. 3. It may not unaptly be thus defined, *Cuſtom* is a Law or Right not written, which being eſtabliſhed by long Uſe, and the Conſent of our Anceſtors, hath been, and is daily practiſed. Our Anceſtors, that is, *Majores*; and thoſe of our Kindred that are *ultra tritavum*: So that allowing the Father to be ſo much elder than the Son, as *Pubertas*, or the Years of Generation do require; the Grand-father ſo much elder than him, and ſo *uſque ad tritavum*; we cannot ſay, That this or that is a *Cuſtom*, unleſs we can juſtify it hath continued ſo at leaſt one Hundred Years. For *Tritavus* muſt be ſo much elder than the Party that pleaded it; yet becauſe that is hard to prove, it is enough for the Proof of a *Cuſtom*, if two or more Witneſſes can depoſe, That they heard their Fathers ſay, That it was a *Cuſtom* all their Time, and that their Fathers heard their Fathers alſo ſay, That it was likewiſe a *Cuſtom* in their Time. If it is to be proved by Record, the Continuance of an Hundred Years will ſerve. *Davie's Rep. fol.* 32. *Cuſtom* is either *General*, or *Particular*. *General*, I call that which is allowed through all *England*, whereof you may read divers in *Doct. and Stud. lib.* 1. *cap.* 7. very worthy to be known. *Particular*, is that which belongeth to this or that County, as *Gavelkind* to *Kent*; or to this or that Lordſhip, City or Town. *Cuſtom* differeth from *Preſcription*, for that *Cuſtom* is common to more, and *Preſcription* is particular to this or that Man. Again, *Preſcription* asketh not that Length of Time to ſet it up as *Cuſtom* doth, but is pleadable in a far ſhorter Time, *viz.* five Years, one Year, or leſs: Example of five Years *Preſcription* you have in the levying of a Fine; for if a Fine duly levied of Lands and Tenements be not impugned within five Years, it excludeth all Claim for ever. And if a Man omit his continual Claim for a Year and a Day, then the Tenant in Poſſeſſion preſcribeth an Immunity againſt the Entry of the Demandant, and his Heir. *F. N. B. fol.* 79. *Termes de la Ley, verbo* continual Claim. Out of the Statutes you have greater Diverſity, which ſee *Collected* in *Cowel's Inſtitute*, Tit. *De Uſucap. & long. temp. preſcript.* So that *Briſſenius* in his 14. *lib. de verb. ſignif.* ſaith truly; That *Preſcription* is an Exception founded upon ſo long Time paſt, as the Law limiteth for the Purſuit of any Action. An Example may be taken from the Statute, 1 *H.* 8. *cap.* 4. which enacteth, That in all Actions popular, Information ſhall be made within three Years after the Offence committed, or elſe be of no Force. Of like Nature is the Statute 7 *H.* 8. *cap.* 13. which in ſome Caſes makes one Years *Preſcription* ſufficient againſt Informations. *Cuſtom* is alſo uſed for the Tribute, or Toll that Merchants pay to the King, for the Carrying in and out of Merchandiſe. 14 *E.* 3. *Stat.* 1. *cap.* 21. In which Signification it hath the *Latin* Name *Cuſtuma. Reg. Orig. fol* 138. *a.* 129, *a.* 4 *Inſt. fol.* 29. And laſtly, for ſuch Services as Tenants of a Manor owe to their Lord. *New Book of Entries, verbo* Cuſtome.

Cuſtomary Tenants, (*Cuſtumarii, vel Tenentes per conſuetudinem*) are ſuch Tenants as hold by the *Cuſtom* of the Manor, as their ſpecial Evidence. Theſe were anciently Bondmen, or thoſe that held *Tenura Bondagii: Et omnes illi qui tenuerunt in Bondagii tenura ſolebant vocari* Cuſtumarii. MS. de conſuetud. man. de Sutton-Colfeild de An. 3 Edw. 2. See *Windas* and *Copyhold.*

Cuſtom-Houſe, Is a Houſe in ſeveral Cities and Port-Towns, as *London*, *&c.* where the King's *Cuſtoms* are received, and all Buſineſs relating thereunto tranſacted. See 12 *Car.* 2. *cap.* 4.

Cuſtoms and Services, *Conſuetudinibus & Serviciis*, Is a Writ of Right Cloſe, which lieth againſt the Tenant, that deforceth his Lord of the Rent or Service due to him. Of this, ſee more at large in the *Old Nat. Brev. fol.* 77. *F. N. B. fol.* 151. and *Reg. Orig. fol.* 156.

Cuſtos Brevium, Is the principal Clerk belonging to the Court of *Common Pleas*, whoſe Office is to receive and keep all the Writs, and put them on Files, every Return by it ſelf; and at the End of every Term to receive of the *Protonotaries* all the Records of *Niſi prius*, called *The Poſtea*; for they are firſt brought in by the Clerk of the *Aſſiſe* of every Circuit to the *Protonotary* that entered the Iſſue in that Matter for the Entring of the Judgment. And then do the *Protonotaries* get of the Court a Peremptory Day, for every Party to ſpeak what he hath to alledge in Arreſt of Judgment, which Day being paſt, he entreth the Verdict and Judgment thereupon into the Roll of the Court: And that done he doth at the End of the Term deliver over to the *Cuſtos Brevium* all the Records of *Niſi prius*, which came to his Hand that Term; which received he bindeth into a Bundle, and beſtoweth

them in apt Place. The *Custos Brevium* also maketh Entry of the Writs of Covenant, and the Concord upon every Fine, and maketh forth Exemplifications and Copies of all Writs and Records in his Office, and of all Fines levied. The Fines after they be engrossed, the Parts thereof be divided between the *Custos Brevium* and the *Chirographer*; whereof the *Chirographer* keepeth always the Writ of Covenant and the Note; the *Custos Brevium* keepeth the Concord and Foot of the Fine; upon which Foot the *Chirographer* doth cause the Proclamations to be endorsed, when they be all proclaimed. This Office is in the King's Gift. There is also a *Custos Brevium & Rotulorum* in the *King's Bench*, who filcth such Writs as are there used to be filed, and all Warrants of Attorney, and transcribeth, or maketh out the Records of *Nisi prius*, &c.

Custos Cyrographum Regis. See *King's Swanherd.*

Custos Placitorum Coronæ. *Bract. lib.* 2. *cap.* 5. This seems to be all one with him whom we now call *Custos Rotulorum.* Of this Officer Mention is made in the Writ *De Odio & Atia*, *Reg. Orig. fol.* 133.

Custos Rotulorum, Is he that hath the Custody of the *Rolls*, or Records of the Sessions of Peace; and as some believe, of the Commission of the Peace it self. *Lamb. Eiren. lib.* 4. *cap.* 3. *pag.* 373. He is always a Justice of Peace and *Quorum*, in the County where he hath his Office; and by his Office is rather termed an Officer or Minister than a Judge, because the Commission of the Peace layeth by express Words this special Charge upon him, *Quod ad dies & loca prædicta, Brevia, Præcepta, Processus & Indictamenta prædicta coram te & aliis Sociis tuis venire fac.* Lamb. ibid. Where you may find a large Tract concerning this Officer. Who shall appoint the *Custos Rotulorum* in every County, see 37 *H.* 8. *c.* 1. and 3 & 4 *E.* 6. *cap.* 1. & 2 *Inst. fol.* 674.

Custos of the Spiritualities, *Custos Spiritualitatis vel Spiritualium*, Is he that exerciseth Spiritual or Ecclesiastical Jurisdiction, of any Diocese, during the Vacancy of the See. The Appointment of whom, by the Canon-Law, appertains to the Dean and Chapter; but at present with us in *England*, to the Archbishop of the Province by Prescription: Howbeit, divers Deans and Chapters, (if *Gwin* say truly in the Preface to his *Readings*) do challenge this by ancient Charters from the Kings of this Land.

Custos Temporalium, The Person to whose Custody a vacant See, or Abbey, was committed by the King, as supreme Lord: Who, as a Steward of the Goods and Profits, was to give Account to he *Escheator*, and he into the *Exchequer.* His Trust continued till the Vacancy was supplied by a Successor, who obtained the King's Writ *De Restitutione Temporalium*, which was commonly after Consecration, yet sometimes before.

Custos treugarum, Keeper of the Truce. *Edward* the Third constituted by Commission two *Keepers of the Truce* between him and the King of *Scots*, with *Nos volentes* Treugam *sive sufferentiam prædictam quantum ad nos pertinet observari*, &c. Rot. Scotiæ 10 Edw. 3. m. 36. intus.

Cutly, i. e. *Cognitus*, known.

Cutts, Flat-bottomed Boats, used in the Channel for transporting Horses. *A. D.* 1474. when King *Edw.* IV. came to *Dover*, the Duke of *Burgundy*, to help his Passage, sent 500 Boats of *Holland* and *Zealand*, called *Cutts*, which are flat and low, built very commodiously for transporting of Horses. *Stow. Annal. p.* 412.

Cutter of the Tallys, Is an Officer in the *Exchequer*, that provideth Wood for the *Talleys*, and cuts the Sum pay'd upon them, and then casteth the same into the Court to be written upon.

Cuva, Gall. *Cuve.* Angl. *Keev*, *Keever*, A Tub or Brewing-vessel. Vid. *Cuna.* It also signifies the same with *Cupa*, a *Cup.*

Cuynage, Is a Word used in the Statute of 11 *H.* 7. *cap.* 4. for the making up of Tin into that Fashion, as it is used to be framed, for the better Carriage of it into other Places.

Cyclas, A long Garment, close upwards, and open or large below: *Matth. Paris.* speaking of the Citizens of *London*, tells us, they were *Sericis Vestimentis ornati*, cycladibus *auri textis circundati.* Anno 1236.

Cynebote, The same with *Cenegild.*

Cyppus.——— *Et debent habere amerciamenta de expeditatione canum, mel & nuces, & cyppos per totam foresiam.* ——— Ryley's Placit. Parl. fol. 652. *Du Fresne*, in his New Glossarium, says it signifies *Rete*, a Net; but *Quære.*——I rather think, in the Authority before cited, it signifies a Sort of Berries; possibly *Hips* and *Haws.*

Cyreath, i. e. *Jusjurandum electum*, viz. *Quod quis cum aliis conjuratoribus a majori numero electis præstat:* We read it amongst the Laws of King *Athelstane*, *cap.* 15. viz. *Et jurant quod illud pecus intertiatum*, (i. e. sequestred) *in peculio suo natum est, sine Rimath & stet. thes.* Cyreath, *i. e. Jusjurandum electum super* 20 *Den.*

Cyricgepe, (Sax.) *Irruptio in Ecclesiam LL. Eccl. Canuti Regis.*

Cyrcksceat, Is a *Saxon* Word, signifying a Tribute due to the Church, *Vectigal Ecclesiæ*, *Ecclesiæ Census. Primitias seminum quisq; ex eo dato domicilio in quo ipse natali die Domini commoratur. Spelm. de Concil. vol.* 1. *fol.* 125. See *Churchesset.* See the Original of this Custom, and the Continuance of it, historically delivered, by Mr. *Kennet* in his *Paroch. Antiq. p.* 603.

Cyppus, *Scirpus*, Rushes. It was in old Times a common Practice, (and is still in some Places retained, more especially in *Wales*) to bring Rushes, and strew the Body of the Church, for the Convenience of Warmth and better Kneeling. And hence it was laid as a customary Service on some Persons, that they should find the Church with Straw in Winter, and with Rushes in the Summer.——— *In Ordinatione Domini* Jocelini *Episcopi* Bath. *super thesauraria Ecclesiæ* Wellensis, *facta An.* 1226.——— *Ordinatum est ut thesaurarius inveniat* cyrpos *per estatem.* Reg. Dec. & Capit. Well. MS.

D.

Dacra. Johannes Birt *posuit in quandam navem decem* Dacras *corei laneati* 23 *Aug.* 39 *Eliz.* Placit. An. 41 Eliz.

Daggerius, *Daggardus*, Gall. *Dagne*, Brit. *Daga*, Engl. *Dagger.*——— *Habentes cultellos, quos* daggerios *vulgariter dicunt.* Henr. Knyghton in Ed. III.

Dagus. See **Deis.**

Dailus, Daila, Dalus, A certain Measure of Land, *viz. Et totam* Dailam *mariscí tam de rossa quam de prato*, &c. Monasticon, 2 Tom. p. 211. In some Places 'tis taken for a Ditch or Vale, *hinc Anglice*, a Vale is called a *Dale. Du Cange.*

Dais.

Dais. See *Deis.*

Dakir, By the Stat. *De Compoſitione Ponderum & Menſurarum*, 51 *H.* 3. a Laſt of Hides conſiſts of twenty *Dakirs*, and every *Dakir* of ten Hides: But by 1 *Jac. cap.* 33. a Laſt of Hides is twelve Dozen. See *Dicker of Leather poſtea.*

Dalmatica, A Garment with large open Sleeves, uſed at firſt only by Biſhops, ſo called, becauſe it firſt came from *Dalmatia*,

Candida ut extenſis niteat Dalmatica *rugis,*
Fimbria neve erret huic ſine lege lævis.

Dalus, *Dailus*, *Dayla*, A Dale, a Valley, or low Place. ——— *Et in eadem villa terram trium carrucarum, & tres* dalos *prati, & unum hulmum.* Mon. Angl. tom. 1. p. 680. *& totam* daylam *mariſci, tam de roſſa, quam de prato.* Mon. Angl. Tom. 2. p. 211. The *Dali prati* abovementioned, ſeem to be ſuch Balcks or narrow Slips of Paſture, left between the ploughed Furrows in arable Land, which in ſome Parts of *England* are ſtill called *Doles*, and *Dools*. The old Britiſh *Dol*, and *Doldir* was a Vale. And the preſent *Welſh* uſe the Word *Dol*, for a low Meadow by a River Side. This the original Name and Nature of *Deal* in *Kent*, where *Cæſar* landed, and fought the *Britains: Cæſar ad* Dole *bellum pugnavit.* Nennius.

Damage, *Damnum*, Generally ſignifieth any Hurt, or Hindrance that a Man taketh in his Eſtate; but in the Common Law it is a Part of that the Jurors be to enquire of, paſſing for the Plaintiff or Defendant in a civil Action, be it Perſonal or Real. For after Verdict given of the principal Cauſe, they are likewiſe asked their Conſciences touching Coſts (which be the Charges of Suit, called of the Civilians, *Expenſæ Litis*) and Damages, which contain the Hindrance that the Plaintiff or Demandant hath ſuffered, by Means of the Wrong done to him by the Defendant or Tenant. *Co.* on *Lit. fol.* 257. By the Statute 48 *E.* 3. 22. a Means for the Recovery of Damages was given to the Defendant in an Appeal, when he was acquitted of the Felony. And the Statute of *Weſtm.* 2. *Anno* 13 *E.* 1. *cap.* 12. gave a more expeditious Redreſs, than a Writ of Conſpirrcy againſt Procurers and Abettors This Word *Damage* is taken in the Law in two ſeveral Significations; the one *properly* and *generally*, the other *ſtrictly* and *relatively*; *Properly*, as it is in the Caſes where Damages are founded upon the Statute of 2 *H.* 4. *cap.* 1. and 8 *H.* 6. *cap.* 9. where Coſts are included within this Word *Damages:* For *Damage* in its proper and general Signification, is ſaid *a demendo*, when a Thing by Diminution is made worſe; and in this Senſe, Coſts of Suits are Damages to the Plaintiff, for by it his Subſtance is diminiſhed. But when the Plaintiff declares the Wrong done to him, to the Damage of ſuch a Sum, this is to be taken *relatively*, for the Wrong which is paſſed before the Writ brought, and are aſſeſſed by Reaſon of the Treſpaſs aforeſaid, and cannot extend to Coſts of Suit, which are future, and of another Nature. See *Co. lib.* 10. *fol.* 116, 117.

Damage cleere, *Damna clericorum*, Is now aſſeſſed by the tenth Part in the *Common Pleas*, and the twentieth Part in the *King's Bench* and *Exchequer*, of all *Damages*, (exceeding five Marks) recovered either by Verdict, Confeſſion, or Judgment of the Court, in all Actions upon the Caſe, Covenant, Treſpaſs, Battery, Falſe Impriſonment, Dower, and all others, wherein the *Damages* are incertain, which the Plaintiff muſt pay to the *Prothonotary*, or Chief Officer of that Court, wherein they are recovered, before he ſhall have Execution for them. This was no other originally than a Gratuity given to the *Prothonotaries* and their Clerks, for drawing ſpecial Writs and Pleadings, which afterwards grew to a Certainty; and was, as ſome have fancied, of old, a tenth Part of the *Damages* recovered: For it appears by ancient Records, that it hath been incertain, ſometimes a Sixth, and at other Times a Third Part. This is taken away by 17 *Car.* 2. *cap.* 6. from and after the 29th of *Septemb.* 1672. and till that Time was to be paid out of ſuch Monies only as ſhall be actually levied, or otherwiſe paid by the Defendants, and only for the Proportion of the Money which ſhall be ſo levied or paid, and no more, or otherwiſe.

Damage feſant, That is, doing Hurt or *Damage*, and is when a Stranger's Beaſts are in another Man's Ground, without Licenſe of the Tenant of the Ground, and there do feed, tread, and otherwiſe ſpoil the Corn, Graſs, Woods, and ſuch like: In which Caſe the Tenant, whom they *damage*, may therefore take, diſtrain, and impound them as well in the Night, as in the Day. But in other Caſes, as for Rent and Services, and ſuch like, none may diſtrain in the Night. *Stat. de diſtrictione Scaccar. An.* 51. *Hen.* 3.

Damiſella, A light Damoſel, a Miſs. ——— Willielmus Hoppeſhort *tenet dimidiam virgatam terræ in* Bockhamton *de domino Rege, per ſervitium cuſtodiendi ſex* Damiſellas, *ſcill. Meretrices, ad cuſtum Domini Regis.* 12 Ed. I. *i. e.* by Pimp-Tenure. See *Blount's* Tenures, p. 39.

Damnum, *Infra damnum ſuum*, Within the Bounds or Limits of his own Property, or Juriſdiction. ——— *Si quis invenerit in* damno ſuo *aucas, gallinas aut capras, &c.* Bract. lib. 2. de Coron. ca. 37. ——— *Animalia in* Damnis *dictorum Fratrum inventa.* Mon. Angl. Tom. 2. p. 862. Hence a *Dam*, a Boundary or Confinement; to dam up, to dam out.

Dan, The better Sort of Men had the Title of *Dan*, as the Spaniards *Don*, from the Latin *Dominus.*

Danegelt, or Danegeld, (Gelt in *Dutch* ſignifies Money) was a Tribute laid upon our Anceſtors of 1*s.* after of 2*s.* for every Hide of Land, through the Realm, for clearing the Seas of *Daniſh* Pirates, which heretofore greatly annoyed our Coaſts. *Camb. Britan.* 142. King *Ethelbred* being much diſtreſſed by the continual Invaſion of the *Danes*, to procure his Peace, was compelled to charge his People with heavy Payments, called alſo *Danegelt.* As firſt, he paid 10000 *l.* then 16000 *l.* then 24000 *l.* after that 36000 *l.* and laſtly 48000 *l.* to the *Danes.* This *Danegelt* was releaſed by St. *Edward* the Confeſſor, but levied again by *William* the Firſt and Second: Releaſed by *Henry* the Firſt, and finally by King *Stephen.* See *Hoveden, par. poſt. Annal. fol.* 344. *a. Spelman's Gloſſarium*, and *Selden's Mare clauſum. fol.* 196. ——— *Et ſint quieti de Lene*, Danegeld *& Gaywithinte & de omnibus aliis conſuetudinibus, &c.* Charta Hen. 7. Ballivis & Burgens. Mountgomer.

Danelaga. See *Merchenlage.*

Danger, *Dangeria*, A Payment in Money, made by the Foreſt-Tenants to the Lord, that they might have Leave to plough and ſow in Time of *Pannage*, or Maſt-feeding; in ſome Places called *Lyef-ſilver*, and *Lef-ſilver.*

Danmonii, *Cornwall* and *Devonſhire.*

Danmoniorum promontorium, The *Lizard* in *Cornwall.*

Danum, *Doncaſter* in *Yorkſhire.*

Dapifer, *A Dapes ferendo.* At firſt a domeſtick Officer, like our *Steward of the Houſhould*, or rather *Clerk of the Kitchin*; then by Degrees, any fiduciary Servant, eſpecially the Chief Steward, or Head Bailiff of any Honour, Barony, or Manor. I think *Dapifer Regis*, is in moſt of our Records, to be taken for *Steward of the King's Houſhold.*

Dardus, *i. e.* A *Dart.* In *Wales* an Oak is called *Dar*, and *Dart* is *Telum.*

Scuta tonant, dardique volant.

Dare ad remanentiam, (*Glanvil, lib.* 7. *cap.* 1.) To give away in Fee, or for ever. See *Remainder.*

Darrein Is a Corruption from the French *Dernier*, i. e. *ultimus*: and we uſe it in the ſame Senſe; as

Darrein Continuance. See *Continuance.*

Darrein Preſentment, *Ultima præſentatio.* See *Aſſiſe of Darryene Preſentment.*

Date, The ancient Deeds had no *Dates*, but only the Month and the Year, to ſignify that they were not made in Haſte, or in the Space of a Day, but upon longer and more mature Deliberations; and the King's Grants began with theſe Words, *Præſentibus & futuris*, &c. but the Grants of common Perſons began with *Omnibus præſentes literas inſpecturis*, &c.

Dates, Is the Fruit of the Tree, in *Latin* called *Palma*, in *Engliſh* the *Date-tree*; of which who will underſtand the Nature or Diverſities, may read *Gerrard's* Herbal, *lib.* 3. *cap.* 131. They be numbred among the Spices and Drugs to be garbled. 1 *Jac.* 19.

Dative, or *Datife*, That may be given, or diſpoſed at Will and Pleaſure.——— *Whether a Prior ſhall be* Datife, *and Removeable, or Perpetual, ſhall be tried by the Ordinary.* Anno 9 Rich. 2. cap. 4. *Si Prior* Datife *& Removeable, ſuffer Eſcape, reſpondeat Superior.* 45 Ed. 3. 9. 10.

David, *St. David's Head.* See *Octopitarum Promontorium.*

Dawach, *Davata Terræ*, A Portion of Land in *Scotland* ſo called.———*Apud priſcos* Scotos, one *Dawach* of Land, *quod continet quatuor aratra terræ, quorum unumquodque trahitur octo bobus.* Skene——*Non fiet taxatio juxta numerum* davatarum, *ſeu baroniarum*; *ſed ſecundum verum valorem bonorum.* Statut. David. Reg. Scot. cap. 48.

Day, *Dies*, Is ſometimes uſed in the Law for the *Day* of Appearance in Court, either originally, or upon Aſſignation, and ſometimes for the Returns of Writs. For Example, *Days in Bank* be Days ſet down by Statute, or Order of the Court, when Writs ſhall be returned, or when the Party ſhall appear upon the Writ ſerved: And of this you may read the Statutes 51 *H.* 3. *cap.* 1, 2. *Marl. cap.* 12. 52 *H.* 3. and 32 *H.* 8. *cap.* 21. To be diſmiſſed without *Day*, is to be finally diſcharged the Court. *Kitchin fol.* 193. He had a *Day* by the Roll, *Id. fol.* 197. that is, he had a *Day* of Appearance aſſigned him. *Day, Year*, and *Waſte.* See *Dies* and *Year.*

Days-Man, In ſome Northern Parts of *England*, any Arbitrator, Umpire, or elected Judge is commonly termed a *Deies-man*, or *Days-man*: Which reminds me of what Dr. *Hammond* well obſerves, in his Annotations on *Heb.* 10. 25. That the Word *Day*, in all *Idioms*, doth ſignify *Judgment.* So 1 *Cor.* 3. 13. Ἀνθρωπίνη ἡμέρα, is Human Judgment. And on this Occaſion, it may not be improper to obſerve, (becauſe no Notice has been yet taken of ſo ſmall a Matter) that the Addition of *Dey* or *Day*, to the Doom-book, or *Liber Judicialis*, the General Survey, in Time of *Will. Conq.* was not meant with any Alluſion to the Final Day of Judgment, as moſt Perſons have conceited: For *Day* does not augment the Senſe of the Word, but only doubles, and confirms the ſame Meaning: I ſay, The Syllable *dey* or *day*, in that Compoſition, does not really ſignify the Meaſure of Time, but the Adminiſtration of Juſtice. So as *Domeſday-Book* is but more emphatically, the judicial deciſive Record, the Book of dooming Judgment, and decreeing Juſtice.

Days of Preſirion, A Term uſed in the Exchequer; for the Explanation whereof, ſee *Remembrancer.*

Daveria, The *Dayrie*, *Dairy*, It is derived by Dr. *Skinner* from the Fr. *Derriere*, as if the Dairy were on the back Parr, or behind the reſt of the Houſe. The learned *Fr. Junius* is no more happy, when he refers it to the *Greek*, Δαίω, & *per Syncopen*, Δαῖω. *Heſychio exponitur* Δαήμων ἔμπειρος, *gnara, perita. Non enim cujuſvis eſt curare lacticinia, ſed a lacticiniis edulia concinnatarum ſingulari ruſticarum rerum experientia imbutam eſſe oportet. Omnino interim huc pertinet, quod Gallis* Dariole *dicitur cibi genus, quod iiſdem Gallis alias nuncupatur,* Laicteron, *vel* Flan de Laict. *Ac fortaſſe quoque* Darnis *ab eadem origine*; Darere *dictum eſt jentaculum, quod Septentrionales lacticiniis jentare ſunt ſoliti.* Both theſe Conceits of *Skinner* and *Junius*, are trifling Conjectures. And indeed nothing has more expoſed the noble Studies of Etymology, than the Fancies and Flights of ſome great Men; who by indulging their Wit, and their Invention, have made ſuch odd and far-fetcht Alluſions, as nothing but a like Heat of Fancy, could imagine or believe. But to return, the Word *Deirie* or *Dairy* is originally *Engliſh*, from *Day, Deie*, Sax. *Dag*; and ſignified at firſt the daily Yield of *Milk-Cows*, or the daily Profit made of them. As a *Day-were* of Land, was one *Day's* ploughing, which the *French* called *Journal*, Lat. *Jornale*; and our Mid-land Farmers ſtill call a *Journy.* So in *Lorrain* and *Champaigne*, they now uſe the Word *Dayer*, for the Meeting of the *Day* labouring Women to give an Account of their *daily* Work, and receive the Wages of it. Hence any young Artificer, who aſſiſts a Maſter Workman, is ſtill called a Journey-man. As a Threſher, Hedger, &c. who works by the *Day*, is termed a *Days-man.* And I am apt to think, that the Woman hired by the Day, to help in the Kitchin, &c. uſually called a *Chair-woman*, is no more than a *Jour-woman*, or *Journe-woman.* A *Dairy* in the North, is called *The Milkneſs*; as the *Dairy-maid*, is in all Parts a Milk-maid: She is called *Androchia* by *Fleta, lib.* 2. *cap.* 87. *Androchia pudica eſſe debet, & laborioſa* dacriæ———*Computus* Henrici Deye, & Johannæ *uxoris ſuæ, de omnibus exitibus, & proventibus de* Dayri *Domini Prioris de* Burneeſtre. Paroch. Antiq. p. 548.———*Computant de xxxv. ſolid. vi. den. receptis de* dayeria *de la* Breche, Id. p. 570.

Daywere of Land, As much arable Ground as could be ploughed up in one *Day's Work*, or one *Journey*, as the Farmers ſtill call it.——— *Confirmavi Abbati & Conventui de* Rading, *tres*

acras, & sexdecem Daywere, *de terra arabili.* Cartular. Rading. MS. f. 90. a.

Daynynne,—— *In manerio de* Stiventon, *Com.* Berk. *virgatarii secabunt in Autumno per tres dies septimanæ, & tunc quilibet secabit dimidium acræ, & vocatur* Daynynne. Placit. An. 9 Ed. 1.

Deadly Feud (*Feuda & Faida*) is a Profession of an irreconcileable Enmity, till we are revenged even by the Death of our Enemy. It is deduced from the *German* Word (Feed) which, as *Hottoman*, (*in verbis Feudalibus*) saith, *Modo bellum, modo capitales inimicitias significat.* It is used *Anno* 43 *Eliz. c.* 13. And such Enmity and Revenge was allowed by our ancient Laws in the Time of the *Saxons*, *viz.* where any Man was killed, if a pecuniary Satisfaction was not made to the Kindred, it was lawful for them to take up Arms and revenge themselves on the Murderer, and this is called *Deadly Feud*, and probably this was the Original of an Appeal.

Dead Pledge, *Mortuum vadium.* See *Mortgage.*

Deafforested, That is, discharged from being *Forest*, or exempt from the *Forest-Laws*, 17 *Car.* 1. *cap.* 16. *Johannes Dei Gratia, &c. Archiepiscopis, Episcopis, &c. Sciatis nos omnino* Deafforestasse *Forestam de Brewood de omnibus quæ ad Forestam & Forestarios pertinent. Quare volumus & firmiter præcipimus quod prædicta Foresta & homines in illa manentes & hæredes eorum sint* Deafforestati *imperpetuum, &c.* Dat. apud Brug. 13 Martii Anno regni nostri 5.

Dean, (Gr. Δεκανος & δεκα, *decem*) is an Ecclesiastical Magistrate or Dignitary, so called, because he presides over *Ten* Canons or Prebendaries at the least. We call him a Dean that is under the Bishop, and Chief of the Chapter, ordinarily in a Cathedral-Church; and the Rest of the Society or Corporation we call *Capitulum*, the *Chapter.* But how diversly this Word is used, read *Lyndewode.* Tit. *De Constitut. cap.* 1. *verbo, Decani Rurales*; where *Rural Deans* are said to be certain Persons that have Jurisdiction Ecclesiastical over other Ministers and Parishes near adjoining, assigned them by the Bishop and Archdeacon, being placed and displaced by them: Such are the *Dean* of *Croyden* in *Surrey*, *Dean* of *Battel* in *Sussex*, &c.

As there are two Foundations of *Cathedral-Churches* in *England*, the old and the new, (the new are those which *Henry the Eighth* upon Suppression of Abbies transformed from Abbot, or Prior and Convent, to *Dean* and *Chapter*) so there are two Means of creating these *Deans*: For those of the old Foundation were exalted to their Dignity much like Bishops; the King first sending out his *Conge d'Eslire* to the *Chapter*, the *Chapter* then chusing, the King yielding His Royal Assent, and the Bishop confirming him, and giving his Mandate to instal him. Those of the new Foundation are by a shorter Course installed, by Virtue of the King's Letters Patent, without either Election or Confirmation. This Word is also applied to divers that are the Chief of certain peculiar Churches or Chapels, as the *Dean of the King's Chapel*, the *Dean of the Arches*, the *Dean of St. George's Chapel at* Windsor, &c. *Nec Collegio alicui præfecti, nec jurisdictione ulla donati, nomine tamen velut honoris gratia insignes*, says *Spelman.*

Dearwarrennata, Diswarrenned; when a *Warren* was broke up, and laid in Common. King *Henry* III. in a Charter to the Citizens of *London*, dated 18 *Aug. Anno Reg.* II. grants to them,—— *quod tota* Warrena *de* Stanes, *cum pertin. suis sit* dewarrennata, *& deafforestata in perpetuum*—— Placit. temp. Edw. I. & Edw. II. MS. f. 144.

De bene esse, Are common *Latin* Words, but their Meaning is something more dark: As thus, To take or do a Thing *de bene esse*, is to allow or accept for the present, till it comes to be more fully examined, and then to stand or fall, according to the Merit of the Thing, in its own Nature, so that *valeat quantum valere potest.* So in *Chancery*, upon Motion for one of the less principal Defendants to be examined, the Court sometimes will order it *de bene esse*, that is, he may be examined, but so, that upon Hearing, and fully examining the Case, his Deposition may be allowed, or suppressed, as the Court shall think fit. See *Langham's* Case, *Cro.* 3 *par. fol.* 68. So also at Common Law, the Judges frequently take Bail *de bene esse*, that is, to be allowed or disallowed upon the Exception, or Approbation of the Plaintiff's Attorney; however in the *Interim*, they have a Well-being, or conditional Allowance.

Debenture was by a *Rump-Act* in 1649, ordained to be in the Nature of a Bond or Bill, to charge the Commonwealth (forsooth) to pay the Soldier-Creditor, or his Assigns, the Sum due upon auditing the Account of his Arrears. The Form of which *Debenture*, as then used, you may see in *Scobel's Rump-Acts*, *Anno* 1649, *cap.* 63. The Word is also mentioned in the Act of *Oblivion*, 12 *Car.* 2. *cap.* 8. *Sect.* 7. and is used in the *Exchequer.* See *Auditor of the Receipts.* In the King's House, *Debentures* are given usually to the King's Servants, for the Payment of their Wages, Board-Wages, and the like.

Debet & solet, Are Words frequently used by the Writers of the Common Law. For Example, it is said in the *Old Nat. Brev. fol.* 98, This Writ *de secta Molendini*, being in the *debet & solet*, is a Writ of Right, &c. And again, *fol.* 69. a Writ of *Quod permittat*, may be pleaded in the County before the *Sheriff*, and it may be in the *debet & solet*, or in the *Debet* without the *Solet*, according as the Demandant claimeth; wherefore Note, That those Writs that be in this Sort brought, have these Words in them, as formal Words, not to be omitted: And according to the Diversity of the Case, both *debet* and *solet*, or *debet* alone: That is, if a Man sue to recover any Right by Writ, whereof his Ancestor was disseised by the Tenant, or his Ancestor, then he useth only the Word *debet* in his Writ; because *solet* is not fit, by reason his Ancestor was disseised, and the Custom discontinued: But if he sue for any Thing that is now first of all denied, then he useth both these Words, *debet & solet*; because his Ancestors before him, and he himself usually enjoyed the Thing sued for, as Suit to a Mill, or Common of Pasture, until the present Refusal of the Tenant. The Like may be said of *Debet & Detinet*: As appeareth by the *Reg. Orig.* in the Writ *De debito, fol.* 140.

Debito, or **De debito**, Is a Writ which lieth, where a Man oweth to another a certain Sum of Money, upon an Obligation, or other Bargain, for any Thing sold unto him. *F. N. B. fol.* 119. This Writ is sometimes made in the *Detinet*, and not in the *Debet*, which properly falleth out, where a Man oweth an Annuity, or a Quantity of Wheat, Barley, or such like, which he refuseth to pay. *Old. Nat. Brev. fol.* 75. See before *Debet & solet.*

Deceit, (*Deceptio, dolus*) Is a subtile, wily Shift, or Trick; whereunto may be drawn all Manner

of

of Craft, Subtilty, Guile, Fraud, Slight, Cunning, Covin, Colluſion and Practiſe uſed to deceive another Man by any Means; which hath no other more proper or particular Name than *Deceit*, or Offence. *Weſt. pag.* 2. *Symbol. Tit.* Indictments. *Sect.* 68. See *Coſening*, and *new Book of Entries*, verbo *Diſceit.*

Decem tales. See *Tales.*

Decenna, and Decenniers. See *Deciners.*

Decennary (*Decennaria*) The Limits or Compaſs of ten Friburgs. See *Deciners.*

Decentum. See *Fauſetum.*

Deceptione, Is a Writ that lieth properly againſt him, that deceitfully doth any Thing in the Name of another, for one that receiveth Damage or Hurt thereby. *F. N. B. fol.* 95. This Writ is either *Original*, or *Judicial*; as appeareth by the *Old. Nat. Brev. fol.* 50. where you may read the Uſe of both: For ſome Satisfaction, take the Words of that Book; This Writ of *Deceit*, when it is *Original*, lieth in Caſe where *Decett* is uſed by one Man to another, by which *Deceit* he may be diſherited, or otherwiſe evil-intreated, as appeareth by the *Regiſter*, &c. And when it is *Judicial*, then it lieth out of the Rolls of Record; as in Caſe where a *Scire facias* is ſent to the *Sheriff*, that he warn a Man to be before the Juſtices at a certain Day, and the *Sheriff* returns the Writ ſerved, whereas the ſaid Man was not warned, by which the Party that ſued out the *Scire facias* recovereth; then the Party which ought to have been warned, ſhall have the ſaid Writ againſt the *Sheriff*. In the *Terms of the Law*, *verbo* Deceit, it is ſaid, That the *Original Writ of Deceit* lieth, where any *Deceit* is done by a Man to another, ſo that he hath not ſufficiently performed his Bargain, or Promiſe: In the *Writ Judicial*, he concurreth with the former Book. See *Reg. Orig. fol.* 112. and the *Regiſt. Judicial*, in the Table, *verbo* Deceptione.

Decies tantum Is a Writ that lies againſt a Juror, who hath taken Money for giving his Verdict; called ſo of the Effect, becauſe it is to recover *Ten-times* ſo much as he took. It lies alſo againſt *Embracers* that procure ſuch an Enqueſt. *Anno* 38 *Ed.* 3. *cap.* 13. *Reg. of Writs*, *fol.* 188. *F. N. B. fol.* 171. *New Book of Entries*, verbo, *Decies tantum.*

Decimæ, Tithes: 'Tis well known what is meant by Tithes in the Old Teſtament, but 'tis not ſo plain in the New Law, when Tithes were firſt given to the Prieſts: Some are of Opinion that it was not long before the Time of *Charles* the Great; and particularly Father *Paul*, in his *Italian* Treatiſe *Di materie beneficiali.* But this muſt be a Miſtake; becauſe we find that in the ſecond Council of *Matiſcon*, *Anno* 585. *cap.* 5. it was long before that Time, *viz. Leges divinæ conſulentes ſacerdotibus Eccleſiarum pro hæreditatis portione omni populo præceperunt*, Decimas *fructuum ſuarum*, &c. *Unde Statuimus ut mos antiquus a fidelibus reparetur*, & Decimas *Eccleſiaſticis famulantibus ceremoniis populus omnis inferat*, &c.

Decimation, *Decimatio*, The Puniſhing every tenth Soldier by Lot, was termed *Decimatio Legionis*: It may be ſtretched to ſignify Tithing, or paying the tenth Part. There was another Sort of *Decimation* in the late Times of Uſurpation, which too many of his Majeſty's Loyal Subjects have ſo much ſad Cauſe to remember, that I need not renew the Memory of it.

Decimis ſolvendis pro Poſſeſſionibus alienigenarum, Is a Writ, or Letters Patent, yet extant in the *Regiſter*, which lay againſt thoſe that had farmed the *Priors Aliens* Lands of the King, for the Rector of the Pariſh, to recover his Tithe of them. *Reg. Orig. fol.* 179.

Deciners, alias Decenniers, alias Doſiners, *Decennarii*, Cometh of the French *Dizieme*, i. e. *Decas*, Ten. It ſignifieth in the ancient Monuments of our Law, ſuch as were wont to have the Overſight and Check of Ten *Friburghs*, for the Maintenance of the King's Peace; and the Limits or Compaſs of their Juriſdiction was called *Decenna*. *Bract. lib.* 3. *tract.* 2. *cap.* 15. Of whom you may alſo read *Fleta*, *lib.* 1. *cap.* 27. and *Reg. Orig. fol.* 98. *b.* Theſe ſeemed to have large Authority in the *Saxons* Time, taking Cogniſance of Cauſes within their Circuit, and redreſſing Wrongs by Way of Judgment, as you may read in the Laws of King *Edward*, ſet out by *Lamb. numb.* 32. In later Times Mention is made of theſe, as in *Britton*, *cap.* 12. who ſaith in the King's Perſon (as he writeth his whole Book in that Manner) 'We will that all thoſe that be 'fourteen Years old, ſhall make Oath, that they 'will be ſufficient and loyal unto Us, and that they 'will neither be Felons, or aſſenting to Felons; 'and We will that all be *en dozeine & plevis per* 'dozeners, that is, profeſs themſelves of this or 'that *dozeine*, and make or offer Surety of their 'Behaviour, by theſe or thoſe *Dozeniers*, except 'religious Perſons, Clerks, Knights, and their 'eldeſt Sons, and Women.' Yet the ſame Author in his 29 Chapter, towards the End, doth ſay, That all of twelve Years old, and upwards, are puniſhable for not coming to the Turn of the *Sheriff*, except Earls, Prelates, Barons, Religious Perſons, and Women. *Staundf. plac. cor. f.* 47. out of *Fitzherbert* hath theſe Words, 'The 'ſame Law is, where the *Dozeniers* make Preſentment, that a Felon is taken for Felony, and 'delivered to the *Sheriff*, &c. And *Kitchin*, out of the *Regiſter*, and *Britton* ſaith thus, Religious Perſons, Clerks, Knights, or Women, ſhall not be *Deciniers*, *fol.* 33. From all which Premiſſes may be gathered, That of late Times, this Word ſignifieth nothing but ſuch a one as by Oath of Loyalty to his Prince, is ſettled in the Combination or Society of a *Dozein*. And a *Dozeine* ſeemeth to extend ſo far as every *Leet* extendeth; becauſe in *Leets* only this Oath is miniſtred by the Steward, and taken by ſuch as are twelve Years old, and upwards, dwelling within the Compaſs of the *Leet*, where they are ſworn. *F. N. B. fol.* 161. *a.* The particular of this Oath you may read in *Bracton*, *lib.* 3. *tract.* 2. *cap.* 1. *num.* 1. where he ſetteth down Fifteen Years for the Age of thoſe that are ſworn to the King's Peace; but *lib.* 3. *tract.* 2. *cap.* 11. *num.* 5. he nameth Twelve Years. See *Inlaughe.* From hence we may note the Diverſities between the ancient and preſent Times, in this Point of Law and Government, as well for the Age of thoſe that are to be ſworn, as alſo that *Decennier* is not now uſed for the Chief Man of a *Dozen*, but him that is ſworn to the King's Peace: And laſtly, That now there are no other *Dozeins*, but *Leets*; and that no Man ordinarily giveth other Security for the Keeping of the King's Peace, but his own Oath. And that therefore none anſwereth for another's Trangreſſion, but every Man for himſelf. See *Frank pledge*, and 2 *par. Inſt. fol.* 37.

Declaration, *Declaratio*, Is a Shewing in Writing the Grief and Complaint of the Demandant or Plaintiff, againſt the Defendant or Tenant,

wherein he is ſuppoſed to have done ſome Wrong. And this ought to be plain and certain, both becauſe it impeaches the Defendant, and alſo compels him to anſwer thereto. Such a *Declaration*, in an Action Real, is termed a *Count*: Note, That the *Count* or *Declaration*, ought to contain *Demonſtration*, *Declaration*, and *Concluſion*: In *Demonſtration* are contained three Things: *Quis queritur*, *contra quem*, & *pro qua cauſa*. In the *Declaration* there ought to be compriſed, *Quomodo inter partes Actio accrevit*, *quando & qua die*, *anno & loco*, *& cui dabitur*. And in the *Concluſion*, he ought to aver, and proffer to prove his Suit, and ſhew the Damages he has ſuſtained by the Wrong done him. See *Count*.

Decretals, *Decretales*, Are a Volume of the Canon-Laws, containing the *Decrees* of ſundry Popes; or elſe a Digeſt of the Canons of all the Counſels, that pertained to one Matter under one Head.

Decretals are *Inſtituta proprie Papæ*, *præcepta vero Regum*. They were compiled into one Body by *Regino*, *Burchardus*, *Anſelmus* Biſhop of *Luca*, and *Ivo* Biſhop of *Chartres*; and afterwards by *Gratian*, who lived in the Pontificate of *Eugenius* the Third: And becauſe his Compilation was generally received and approved by the Church, it was called *The Firſt Collection of the Decretals*; of which you may read at large in *Baluzius*, in his Prefaee to the Dialogues of *Anthony Auguſtine*, &c. In this were contained the Decrees of *Alexander* the Third, to the Time of *Celeſtine* the Third.

The Second Collection of the *Decretals* was performed by *Gilbertus* and *Alanus*, and came out under the Name of *Volateran*; who Twelve Years after the Firſt Collection publiſhed this Second, containing not only the *Decretals* of former Popes, but thoſe of *Celeſtine* the Third.

The Third Collection was begun by *James Major* Archdeacon of *Compoſtella*, and collected out of the Regiſters of *Innocent* the Third: It was called *Romana Compilatio*: But becauſe there were many Things in it not generally received, therefore that Pope was prevailed on that by his Authority ſome Perſon might be appointed to make another Collection; and accordingly *Petrus Beneventanus*, a Notary, was appointed for that Work, which was the firſt Collection that was publiſhed by Authority.

The Council of *Lateran*, held under the ſame Pope *Innocent*, was the Occaſion of publiſhing the fourth Collection: In which Council there were ſeveral Canons made, and reduced under Seventy-one Chapters. That Pope having, in the Space of five Years after the Publiſhing the third Collection, made many more Decrees himſelf, there were two Editions printed; one of the Canons of that Council, and another of his own Conſtitutions. And this was called *The fourth Collection*.

The fifth Collection conſiſts of the Conſtitutions of *Honorius* the Third, collected by *Tancred*, Archdeacon of *Bologna*, and publiſhed by *Innocentius Cyronus* under the Name of that Pope. *Du Cange*.

Decuriare, *i. e.* To bring into Order: *Si vero crimen*, &c. *procurator loci commiſerit*, *agatur rationabiliter de eo*, *quod de Regis agitur Præpoſito*, (*viz.*) *Ut eo rite* Decuriato *ac juſto ordine depulſo*, *ille qui dignus ſit Chriſto deſignetur*. Mon. 1. Tom. 243.

Dedbanna, Sax. *Dædbana*, An actual Homicide, or Man-ſlayer; *ex* Dæd, *Factum*, & bana, *Homicida*.——— *Qui ad occidendum aliquem innoxium* Redbanna, *vel* Dedbanna, *fuerit convictus noxæ*, *componat inde ſolus*. Leg. Hen. I. cap. 85. That is, If any one be convicted of the Crime of killing another, either as *Redebane*, or Acceſſary by his Counſel, and Perſuaſion, or as *Dede-bane*, or Actual and Deed Committer of the Murder, then he ſhall himſelf alone compound for his Fine, or Satisfaction.

Deed Is a Warranty in Law, to the Feoffee and his Heirs: As if it be ſaid in a Feoffment, *A. B. hath given and granted*, &c. It is a Warranty. *Co.* on *Lit.* 384. *a*.

Dedication-day, *Feſtum dedicationis*. The Feaſt of *Dedication* of Churches, or rather the Feaſt-Day of the Saint and Patron of a Church, which was celebrated not only by the Inhabitants of the Place, but by thoſe of all the neighbouring Villages, who uſually came thither; and ſuch Aſſemblies were allowed by the King. *Ad Dedicationes*, *ad Synodos*, &c. *venientibus ſit ſumma pax*. It was uſual for the People to feaſt and drink on thoſe Days; and in many Parts of *England* they ſtill meet every Year in Villages for this Purpoſe, which Days are called *Feaſts*. See at large the Hiſtory of the Inſtitution and Obſervance of Wakes, or Feaſts of Dedication, in Mr. *Kennet's* Paroch. Antiq. p. 610.

Dedimus Poteſtatem Is a Writ, whereby a Commiſſion is given to a private Man, for the ſpeeding of ſome Act appertaining to a Judge. The *Civilians* call it *Delegationem*: And it is granted moſt commonly upon Suggeſtion, that the Party which is to do ſomething before a Judge, or in Court, is ſo feeble, that he cannot travel. It is uſed in divers Caſes, as to make a perſonal Anſwer to a Bill in *Chancery*, to make an Attorney for the following of a Suit in the County, Hundred, Wapentake, &c. *Old Nat. Brev. fol.* 20. To levy a Fine, *Weſt. Symb. par.* 2. *Tit.* Fines, *Sect.* 112. and divers other Effects, as you ſhall ſee by *F. N. B.* in divers Places. In what Diverſity of Caſes this Writ, or Commiſſion, is uſed ſee in the Table of the *Reg. Orig. verbo* Dedimus Poteſtatem.

Dee River. See *Deva* and *Seteia*.

Deed, (*Factum*) is an Inſtrument written in Parchment or Paper, conſiſting of three Things, *viz. Writing*, *Sealing*, and *Delivery*, and comprehending a Contract or Bargain between Party and Party. Of which there are two Sorts, *Deeds indented* and *Deeds Poll*; which Names ariſe from the Form or Faſhion of them, the one being cut in and out in the Top or Side, which we call *Indented*, the other being plain. A *Deed indented* is a *Deed* conſiſting of two Parts, or more, (for there are *Tripartite*, *Quadrupartite*, and *Semptempartite Deeds*; as that of *Henry* 7. concerning his Royal Chapel at *Weſtminſter*,) in which it is expreſſed, That the Parties thereto have to every Part thereof interchangeably ſet their ſeveral Seals. The Cauſe of their *Indenting* is, that it may appear they belong to one Buſineſs or Contract. A *Deed Poll*, or polled (anciently called *Charta de una parte*, or *Charta ſimplex*,) is a plain Deed without Indenting; and is uſed, when the Vendor for Example only ſeals, and there is no Need of the Vendee's Sealing a Counterpart, by Reaſon the Nature of the Contract is ſuch, as it requires no Covenant from the Vendee; unleſs in ſuch Caſe the Vendor will, out of Caution or Curioſity, have a Counterpart, to ſee, upon any Occaſion, what Covenants himſelf hath given. See *Coke* on *Litt. fol.* 35. *b*. See *Date*.

Deemsters, or Demsters, (from the Saxon *Dema*, *i. e.* a Judge or Umpire.) *All Controversies* (in the Isle of *Man*) *are decided without Process, Writings, or any Charges, by certain Judges, whom they chuse from among themselves, and call* Deemsters. Camb. Brit. Tit. *Brit. Islands.*

Deerfold, (Sax. *Deor*, *Fera*, and *Falda*, *Stabulum*) *occurrit apud* Ælfredum *pro vivario cervino, vel sepimento quo includuntur damæ.* A Park.

Deer-Hays, Are Engines, or great Nets, made of Cords, to catch Deer. *Anno* 19 *Hen.* 7. *c.* 11.

De essendo quietum de Tolonio, Is a Writ which lieth for them, that are by Privilege freed from the Payment of Toll; of which read at large *F. N. B. fol.* 226.

De expensis Militum Is a Writ commanding the Sheriff to levy so much a Day for the Expences of a Knight of the Shire, and a like Writ to levy two Shillings a Day for every Citizen and Burgess, called *De Expensis Civium & Burgensium.* 4 Inst. fol. 46.

De facto, A Thing actually done, done in very Deed.

Default, *Defalta*, Cometh from the French *Default*, and is an Offence in omitting that which we ought to do. *West. Symb. par.* 2. Tit. *Indictment, sect.* 2. Of this *Bracton* hath a large Discourse, *lib.* 5. *tract.* 3. By whom it appeareth, That a *Default* is most notoriously taken for Non-appearance in Court at a Day assigned. Of this you may read *Fleta, lib.* 6. *cap.* 14.

Defamation, *Defamatio*, Is when a Man speaks slanderous Words of another Man, of a Court of Justice, Magistracy, or Title of Land; for which the Party shall be punished, according to the Nature and Quality of the Offence. Sometimes by Action upon the Case for Slander; at other Times in the Ecclesiastical Courts; as if a Man contrive any false Lies against Prelates, Dukes, Earls, &c. then an *Actio de Scandalis Magnatum* will lie by the Statute 2 *R.* 2. *cap.* 5. But for *Defamations* in the Spiritual Courts to be determined, they ought to have three Incidences. First, To concern Matter merely Spiritual, and there triable; as to call a Man Heretick, Schismatick, Adulterer, &c. Secondly, That it concern Matter merely Spiritual. Thirdly, That is only for Punishment of the Fault, for the Soul's Health of him that offends. For the Slander or *Defamation* of a Title of Lands, see *Co. lib.* 4. *fol.* 18.

Defeasance, or Defeisance, (of the French *Defaire, i. e.* To undo, or defeat) signifies a Condition relating to a Deed, as to a Recognisance or Statute, which being performed by the Recognizor, the Deed is disabled and made void, as if it never had been done. The Difference between a *Proviso* or Condition in a Deed and a *Defeasance*, is, that those are inserted in the Deed or Grant, this is usually in a Deed by it self. Of which you may read *West* at large, *par.* 1. *Symb. lib.* 2. *sect.* 156.

Defence, ——*Rot. Parl.* 21 *Edw.* 3. *Cries and* Defence *was made throughout* England,—— *i. e.* Proclamations and Prohibition.—— *Salmones ponantur in* defenso. *West.* 2. *cap.* 47. 1. Salmons are by that Act prohibited to be taken at certain Times therein mentioned. 2 *Inst.* 478. *Defence* is also that which the Defendant ought to make immediately after the Count or Declaration made, that is, that he *defends* all the Wrong, Force, and Damage, &c. and then to proceed either in his Plea, or to imparl. See more, *Termes de la Ley, verbo* Defence.

Defend, (Fr. *Defendere*) signifies, in our ancient Laws and Statutes, to prohibit or forbid: As ——*Usuarios* defendit *quoque Rex* Edwardus, *ne remanerent in Regno.* LL. Edw. Conf. cap. 37. & 5 Rich. 2. cap. 7. Of which Words thus *Chaucer:*

Where can you say in any manner Age,
That ever God defended Marriage.

In 7 *Edw.* 1. We have a Statute, entituled, *Statutum de* defensione *portandi arma*, &c. *And it is* defended *by Law to distrain on the Highway.* Coke on Litt, fol. 161. Nay, in common Speech Men frequently say, *God defend*, instead of *God forbid*; and the *Fence-Month* is more properly the *Defence-Month*, that is, the forbidden Month, or *tempus vetitum. Manwood's Forest-Law, cap.* 13. *num.* 1. See *Fence-Month.*

Defendant, (*Defendens*) Is he that is sued in an *Action Personal*; as *Tenant* is he who is sued in an *Action Real.* See *Impediens.*

Defendemus Is an ordinary Word in a Feoffment or Donation, and hath this Force, that it bindeth the Donor and his Heirs to *defend* the Donee, if any Man go about to lay any Servitude upon the Thing given, other than is contained in the Donation. *Bracton, lib.* 2. *cap.* 16. *num.* 10. See also *Warrantizabimus & Acquietabimus.*

Defendere se, A Phrase in the *Domesday Register*, to be taxed for such a Quantity of Land. As the Manor of *Brill. com. Buck.* having been rated or assessed at twenty Hides, it is said,—— *Inde* xx. *hidæ se defendebant*, Paroch. Antiq. p. 165.

Defendere se per corpus suum, To offer Duel, Combat, or Camp-fight, as a legal Trial, or Appeal. The Phrase occurs in *Bracton l.* 3. *de corona, cap.* 26, 32, &c. and many other of our *English* Writers.

Defendere unica manu, To wage Law, by denying the Accusation upon Oath: ——*Et si forte forisfactor ille factum negaverit, & forestarius solus sit sine teste, ille debet se* Defendere unica manu *ad unicam vocem rationabili die data in Curia Abbatis, & si unicum testem vel plures habuerit, debet se defendere sexta manu*, &c. Charta facta inter W. de Bray Mil. & Abb. & Convent. de Oseney, sine Dat. See *Manus.*

Defender of the Faith, *Defensor Fidei*, Is a peculiar Title given to the King of *England* by the Pope, as *Catholicus* to the King of *Spain*, and *Christianissimus* to the *French* King, and *Advocatus Ecclesiæ* to the Emperor. It was first given by *Leo* the Tenth, to King *Henry* the Eighth, for writing against *Martin Luther* in Behalf of the Church of *Rome*, then accounted *Domicilium fidei Catholicæ. Stow's Annals, pag.* 863. The Bull for it bears Date *Quinto Idus, Octo*, 1521. and may be read at large in the Lord *Herbert's* History of *Henry* the Eighth, *fol.* 105.

Defensa, A Park, or Place fenced in for Deer, and defended as a Property, and peculiar for that Use and Service—— *Idem Dux fecit instaurare prædictum parcum de feris* Defensæ Leicestrensis. Henr. Knyghton *sub anno* 1352.—— *Dux Lancastriæ fecit magnam Convocationem magnatum Regni*

Regni ad tenendum apud Legeceſtriam in Foreſta & Defenſa, & in omnibus parcis ſuis ibidem. ib. ſub anno 1390.

Defenſivæ, The Lords or Earls of the Marches, the Wardens or Defenders of the Country.——Defenſivæ *locorum ſeu vicecomites locis ſtatuentur ſtatutis.* Rad. de Diceto ſub anno 1153.—*In Marchia principales* Defenſivæ *locorum, &c.* ib. ſub anno 1198.

In Defenſo, That Part of an open Field that was for Corn and Hay, upon which there was no Commoning or Feeding, was ſaid to be *in Defenſo.* So any Meadow-Ground laid in for Hay. And ſo any Part of a Wood, where the Cattle had not Liberty to run, but was incloſed and fenced up to ſecure the Growth of the Under-wood.——*Boſcus de Naffoke debet eſſe* in Defenſo *dum durat pannaglum, videlicet a Feſto Michaelis ad Feſtum Sancti Martini.* Mon. Angl. tom. 3. p. 306.

Defenſum, An Incloſure, or any fenced Ground.——*Si ego meos porcos in parco meo vel in haja, vel in aliquo alio* Defenſo, *poſuero.*—— Mon. Angl. tom. p. 2. 114.

Definitor, (*Diffinitor,*) a Viſitor.

Deforcement, (*Deforciamentum,*) Matt. Pariſ. f. 422. *Quicunque* deforciaverit *eis dotem, & de ipſo* deforciamento *convicti fuerit, id eſt, per vim abſtulerit.* A With-holding Lands or Tenements by Force from the right Owner. See *Deforceor*, and *Coke* on *Litt. fol.* 331. *b.*

Deforciant, (*Anno* 23 *Eliz. cap.* 3.) the ſame with *Deforceor.* See *Diſſorciare.*

Deforceor, *Deforciator*, Cometh of the French *Forceur, expugnator:* In the Senſe of the Law it ſignifies one that overcometh, and caſteth out by *Force:* And differeth from Diſſeiſor firſt in this, becauſe a Man may diſſeiſe another without *Force:* Which Act is called *Simple diſſeiſin, Britton, cap.* 53. Next, becauſe a Man may *deforce* another that never was in Poſſeſſion. As for Example, If more have Right to Lands as common Heirs, and one entring, keepeth out the Reſt, the Law ſaith that he *deforceth* them, though he doth not diſſeiſe them. *Old Nat. Brev. fol.* 118. And *Littleton* in his Chapter *Diſcontinuance, fol.* 117. ſaith, That he which is enfeoffed by the Tenant in Tail, and put in Poſſeſſion, by keeping out the Heir of him in the Reverſion, being dead, doth *deforce* him, though he did not diſſeiſe him, becauſe he entred when the Tenant in Tail was living, and the Heir had no preſent Right. And a *Deforceor* differeth from an Intruder, becauſe a Man is made an Intruder by a wrongful Entry only into Lands or Tenements void of a Poſſeſſor, and a *Deforceor* alſo is, by holding out the right Heir, as aboveſaid. *Bracton, lib.* 4. *cap.* 1. See more of this in *Pulton de pace Regis, fol.* 34, 35.

Deforciatio, A Diſtreſs, Diſtraint, or Seizure of Goods for Satisfaction of a lawful Debt.——*Nos & hæredes noſtros diſtingere poſſunt, per bona mobilia & immobilia & hominum noſtrorum &* Deforciationem *tenere quouſque plenarie fuerit ſatisfactum.* Paroch. Antiq. p. 293.

Degrading. See *Diſgrading.*

Deguttare, To baſte Meat in Roaſting by letting Butter, Fat, or Dripping, *gutter* or run by Drops upon it.——*Nec minori tormento vexabantur, qui verubus transfixi, ad ignem aſſati* Deguttabantur *a dæmonibus ex metallis liquefactis.* Mat. Par. ſub anno 1153.

Deiratum regnum, i. e. *York, Lancaſter, Weſtmorland, Cumberland, Northumberland,* and the Biſhopriek of *Durham.* From the Saxon *Deer, Fera,* becauſe of the Multitude of wild Beaſts.

Deis, or *Dagus*, The chief or upper Table in *Engliſh* Monaſteries was ſo called.—— *Priore prandente ad magnam menſam quam* Deis *appellamus. Additam. ad* Mat. Par. p. 148. *Et ſciendum quod non permittitur ciphus cum pede in Refectorio niſi tantum in majori menſa, quam* Deis *appellamus.* ib. Theſe Tables had this Name from a Colth called *Dais,* with which the Tables of Kings were covered. *Matt. Pariſ. in vita Abbat. Sancti Albani, p.* 92.

Dei Judicium, The old Saxon *Ordeal* was ſo called, becauſe they thought it an Appeal to God for the Juſtice of a Cauſe; and did believe the Deciſion was according to the Will and Pleaſure of divine Providence.—— *Picot contradixit ſuum teſtimonium de Villanis & vili plebe, & de præpoſitis qui volunt defendere per ſacramentum, aut per* Dei Judicium, *quod ille qui tenuit terram, liber homo fuit*——Domeſday *in* Cerdeſon. *See Dr.* Brady's Introd. p. 272.

Delatura, *i. e.* An Accuſation: *In quibuſdam locis juramenti vel antejuramenti multa eſt diſtantia, ſicut in* Delatura, *& plurimis aliis.* Leges H. 1. cap. 64. Sometimes 'tis taken for the Reward of an Informer. *Leges Inæ* 20. *apud Brompton.* It differs from *Freda, viz. Qui ſcroſas ſex cum verre furatus eſt, in triplum componat &* Delaturam, *f.* 7. *& in freda totidem.* Du Cange.

Delegates, The Stat. 26 *H.* 8. *cap.* 19. ſays, are Commiſſioners *delegated* or appointed by the King's Commiſſion, to ſit upon an Appeal to him in the Court of *Chancery*, and is granted in three Caſes. Firſt, when a Sentence is given in any Eccleſiaſtical Cauſe by the Archbiſhop, or his Official. Secondly, when any Sentence is given in any Eccleſiaſtical Cauſe, in Places exempt. Thirdly, when Sentence is given in the Admiralty in Suits Civil and Marine, by Order of the Civil Law. 4 *par. Inſt. fol.* 339. *Anno* 8 *Eliz. cap.* 5.

Delfe, (From the Saxon *delfan*, to dig, we ſtill retain the Word *Delve*, for dig;) is a Quarry or Mine where Stone or Cole is digged. *Anno* 31 *Eliz. cap.* 7. And *Cambden* mentions a Charter of *Edward* the Fourth, wherein Mention is made of a Mine or *Delfe* of Copper.

Delgobitia. *Godmundham* in *Yorkſhire.*

Deliverance. See *Replegiare.*

Demain or Demeſne, (*Dominicum*, Gallis *Domanium*, Italis *Demanium*) Is a *French* Word otherwiſe written *Domaine*, and ſignifieth *Patrimonium Domini*, as *Hottoman* ſaith *in verbis feudalibus, verbo* Dominicum, where by divers Authorities he proveth thoſe Lands to be *Dominicum*, which a Man holdeth originally of himſelf, and thoſe to be *feodum* which he holdeth of a ſuperior Lord. And by the Word *Domanium* as *Demanium*, are properly ſignified the King's Lands in *France*, appertaining to him in Property. In like Manner do we uſe it in *England*, although we have no Land (that of the Crown only excepted) which holdeth not of a Superior, for all dependeth either mediately or immediately of the Crown, wherefore no common Perſon hath any *Demains* ſimply underſtood; for when a Man in pleading, would ſignify his Land to be his own, he ſaith, That he is or was ſeiſed thereof in his *Demain*, as of Fee, *Litt. lib.* 1. *cap.* 1. whereby he meaneth, that although his Land be to him and his Heirs for ever, yet it is not

not true *Demain*, but depending upon a ſuperior Lord, and holding by Service, or Rent in lieu of Service, and by both Service and Rent; yet theſe Words have been uſed in the King's Right. 37 *H.* 8. *cap.* 16. and 39 *Eliz.* 22. But the Application of this Speech to the King and Crown-Land is crept by Error and Ignorance of the Word *Fee. Britton, cap.* 78. ſheweth, That this Word *Demain* is diverſly taken, ſometimes more largely, as of Lands and Tenements held for Life, *&c.* and ſometimes more ſtrictly, as for ſuch only as are generally held in Fee. This Word ſometime is uſed for a Diſtinction between thoſe Lands, that the Lord of a Manor hath in his Hands, or in the Hands of his Leſſee, demiſed upon a Rent, for Term of Years or Life, and ſuch other Land appertaing to the ſaid Manor, which belongeth to Free or Copy Holders. Howbeit, the Copyhold belonging to any Manor, is alſo in the Opinion of many good Lawyers accounted *Demains. Bracton, lib.* 4. *tract.* 3. *ca.* 9. *num.* 5. ſaith, *Eſt autem Dominicum, quod quis habet ad menſam ſuam & proprie, ſicut ſunt* Bordlands *Anglice. Item dicitur Dominicum Villenagium, quod traditur villanis quod quis tempeſtive & intempeſtive ſumere poſſit pro voluntate ſua & revocare.* Of this *Fleta* alſo writeth much after the ſame Manner. *Lib.* 5. *cap.* 5. *ſect. Dominicum autem.* And the Reaſon why Copyhold is accounted *Demains*, is becauſe they that be Tenants to it, are judged in Law to have no other Right, but at the Will of the Lord; ſo that it is reputed ſtill after a Sort to be in the Lord's Hands. And yet in the common Speech, that is ordinarily called *Demeans*, that is neither Free nor Copy. And here note, That *Demain* is ſometimes uſed in a more ſpecial Signification, and is oppoſite to *Frank-Fee.* For Example, thoſe Lands which were in the Poſſeſſion of *Edward the Confeſſor*, are called *ancient Demain*, and others be called *Frank-Fee. Kitchin, fol.* 98. And the Tenants which hold any of thoſe Lands be called *Tenants in ancient* Demain, the other *Tenants in Frank-Fee. Kitchin, ubi ſupra.* And alſo Tenants of the Common Law. *Weſt. Symbol. part.* 2. *Tit.* Fines, *ſect.* 25. The Reaſon is, becauſe *Tenants in ancient Demain* cannot be ſued out of the Lord's Court. *Termes de la Ley, verbo* Ancient Demaine. And ſuch Tenants, though they hold all the *Verge*, and have none other Evidence, but Copy of Court-Roll, yet are they ſaid to have *Freehold. Kitchin*, 81. See *Ancient Demeſne.* See more on this Subject in the learned *Spelman, verbo* Dominicum, where he does not allow this Word to be written *Demean* or *Demeſne*, but *Demain* only.

Demaine cart of an Abbot, Seems to be that *Cart* which the *Abbot* uſeth upon his own *Demaine. An.* 6 *H.* 3. *c.* 21.

Demand (Fr. *Demande, i. e. Poſtulatio*) ſignifies a Calling upon a Man for any Thing due. It hath alſo a proper Signification, diſtinguiſhed from *Plaint:* For all Civil Actions are purſued either by *Demands* or *Plaints*; and the Purſuer is called *Demandant* or *Plaintiff, viz. Demandant* in Actions Real, and *Plaintiff* in Perſonal. And where the Party purſuing is called *Demandant*, the Party purſued is called *Tenant*; where *Plaintiff*, there *Defendant.* If a Man releaſe to another all *Demands*, this is the beſt Releaſe the Releaſee can have, and ſhall enure moſt to his Advantage. *Littl. fol.* 117. *a.* There are two Manner of *Demands*; the one in Deed, the other in Law: *In Deed*, as in every *Præcipe*, there is expreſs *Demand: In Law*, as in every Entry in Land, Diſtreſs for Rent, Taking or Seiſing of Goods, and ſuch like Acts, which may be done without any Words, are *Demands* in Law.

As a Releaſe of Suits is more large than of Quarrels or Actions; ſo a Releaſe of *Demands* is more large and beneficial than either of them. By a Releaſe of all *Demands*, all Executions and all Freeholds and Inheritances executory are releaſed: By a Releaſe of all *Demands* to the Diſſeiſor, the Right of Entry in the Land, and all that is contained therein, is releaſed. And he that releaſeth all *Demands*, excludes himſelf from all Actions, Entries, and Seiſures; but a Releaſe of all *Demands* is no Bar in a Writ of Error to reverſe an Outlawry. *Coke, lib.* 8. *f.* 153, 154.

Demandant, *Petens*, Is the *Plaintiff* in a real Action, ſo called, becauſe he *demandeth* Lands, *&c. Co.* on *Littl. fol.* 127.

Demihaque. See *Haque* and *Haquebuz.*

Demiſe, *Dimiſſio*, is applied to an Eſtate either in Fee-ſimple, Fee-tail, or for Term of Life, and ſo it is commonly taken in many Writs, 2 *par. Inſt. fol.* 483. The King's Death is in Law termed, *The Demiſe of the King.*

Demſters. See *Deemſters.*

Demurrer (from the Fr. *Demeurer*, i. e. *Manere in aliquo loco, vel morari,*) is a Kind of Pauſe or Stop put to the Proceedings of any Action upon a Point of Difficulty, which muſt be determined by the Court, before any further Proceedings can be had therein: For in every Action the Controverſy conſiſts either in Fact or in Law; if in Fact, that is tried by the Jury; if in Law, the Caſe is plain to the Judge, or ſo hard and rare, as it breeds juſt Doubt. We call that plain to the Judge wherein he is aſſured of the Law, though perhaps the Party and his Counſel yield not to it. And in ſuch Caſe, the Judge with his Aſſociates proceeds to Judgment without more a-do; but when it is doubtful, then Stay is made, and a Time taken, either for the Court to conſider further of it, and agree if they can, or elſe for all the Judges to meet together in the *Exchequer-Chamber*, and upon Hearing what Counſel can ſay on both Sides to determine what is Law. And whatſoever they conclude ſtands firm, without any farther Appeal. *Smith de Repub. Angl. lib.* 2. *cap.* 13. This *Demurrer* is in our Records expreſſed in *Latin* by *Moratur in Lege.* At the Common Law, the Defendant ſometimes *demurreth* to the Plaintiff's Count or Declaration; and ſometimes the Plaintiff *demurs* to the Defendant's Plea, by averring that it is not a ſufficient Plea in Law, *&c.* In *Chancery*, the Defendant *demurs* to the Plaintiff's Bill, averring it is defective in ſuch or ſuch a Point, and demands the Judgment of the Court thereupon, whether he ſhall be compelled to make any further or other Anſwer thereunto, *&c.* See *Moratur in Lege.*

Demy ſanke ou Sangue, Of the half Blood, is, when the Man marries a Wife, and hath Iſſue by her a Son or a Daughter, and the Wife dies, and then he takes another Woman, and hath by her alſo a Son or Daughter; now theſe two Sons or Daughters are after a ſort Brothers or Siſters, as we uſually term them *half Brothers, &c.* or *Brothers of the half Blood*, becauſe they had both one Father; but are not Brothers by the Mother's ſide, as having ſeveral Mothers, and therefore cannot be Heirs one to another; for he that

that ſhall claim as Heir to one by Deſcent, muſt be of the whole Blood to him from whom he claims.

Den, the Names of Places ending in *Den* ſignify the Situation to be in a Valley, or near Woods, as *Tenterden*, *Biddenden*, from the Sax. *Den*, *Vallis*: *Locus Sylveſtris*.

Dena, Denna, a little Portion of woody Ground, commonly called a *Coppice*, *De Silva octo* denæ *parvæ*; in another Place, *Et una parva* dena *ſylvæ*. *Domeſday*, *apud Spelm.* And *Thorn. Anno* 826. tells us, that *Dederunt Abbati terram* 20 *aratrorum* & 13 Dennas *glandes portantes*, &c.

Den & Strond, Liberty for Ships or Veſſels to run a Ground, or come a-ſhoar. K. *Edw.* 1. grants this Privilege to the Barons of the Cinque Ports.—*Quod ſint Wrecefry & Wyttefry & Leſtagefry & Lonetopfry & quod habeat* Den & Strond *apud Gernemuth.*—— Placit. temp. Ed. 1. & Ed. 2. MS. 4to. penes Dom. Fountaines ex Æde Chriſti Oxon.

Denariata terræ. See *Fardingdeal of Land.*

Denariatus, *Precium rei quæ* Denario *conſtat*; *Mercis*, *redditus terræ*. *Sciant*—*quod ego Willielmus filius Philippi de Colewal Dedi*—*Egidio de la Berne de Hereford pro quadam ſumma pecuniæ*——*Octo* Denariatos *annui redditus*, &c. Sine dat.

Denariatus terræ ſignifies as much Land as is worth a Penny by the Year. *Sibylla Bartholot tenet unam acram* & 5 Denariatos terræ *in eodem tenemento*. And in another Place, *Tenet dimidiam rodam* & 3 Denariatos terræ *in fine boreali meſſuagii Tab. Prioratus Lewes in Suſſex.* Du Cange.

Denarius, an *Engliſh* Penny. *Stat. Ed.* 1 *De compoſitione Menſurarum*, *viz.* Denarius *Angliæ qui nominatur Sterlingus rotundus ſine tonſura ponderabit* 32 *grana frumenti in medio ſpicæ*, & 20 *denarii faciunt unciam* & 12 *unciæ faciunt libram.*

Denarii, A General Term for any Sort of *pecunia numerata*, or ready Money.——*Solventur Hominibus de* Hedingdon *de* denariis *Domini ſingulis annis proximo die quo falcare incipient quinque ſolid.* Paroch. Antiq. p. 320.

Denarius tertius Comitatus. In the Fines and other Profits ariſing from the County-Courts, two Parts were reſerved to the King, and a third Part or Penny to the Earl of the County, who either received it in *Specie* at the Aſſiſes and Trials, or had an equivalent Compoſition paid from the Exchequer. So *Eubulo le Strange* in Right of his Wife *Alice*, Daughter and Heir of *Henry de Lacy* Earl of *Lincoln*, had by Letters Patent *Dat.* 5 *Ed.* 3. *Cuſtodiam & Wardam caſtelli noſtri de* Lincoln *cum balliva ibidem & viginti libratas annui redditus*, *pro* tertio denario Comitatus. Paroch. Antiq. 418.

Denarius Dei, God's Penny, Arles or Earneſt-Money.——*It. quod neuter Mercatorum ab illo contractu poſſit diſcedere vel reſilire*, *poſtquam* Denarius Dei *inter principales perſonas contrahentes datus fuerit & receptus.* Cart. 31 Ed. 1. M. 4. See *Argentum Dei.* —— The Occaſion of this Earneſt-Money being called *God's Penny*, *Denarius Dei*, was this; in former Times the Piece of Money ſo given to ſeal the Contract was given to God, *i. e.* to the Church or the Poor, but the pious Uſe is now gone.

Denarii de Caritate. Whitſun-Farthings, or Pentecoſtals, the cuſtomary Oblations made to the Cathedral-Church about the Time of Pentecoſt, when the Pariſh-Prieſts and many of their People went in Proceſſion to viſit their Mother-Church. This Cuſtom of voluntary Honour was afterward changed into a ſetled Due, and commonly charged upon the Pariſh-Prieſt; though at firſt but a Gift of Charity (*Denarii de Caritate*) or eleemoſynary Preſent to help to maintain and adorn the Biſhop's Seeor Cathedral Church.—*Eo ſalvo*, *quod denarium S.* Petri & denarios de caritate *perſolvant*, *quos hactenus perſolvere conſueverunt.*——Cartular. Abbat. Glaſton. MS. fol. 15.

Denarius S. Petri, Peter-Pence. See *Romeſcot.*

Dena terræ, A hollow Place between two Hills; you may find it in the Beginning of *Domeſday-Book*. *De Silva octo denæ parvæ & tres magnæ* Domeſdei. ——una parva dena Sylvæ, *ib. Dederunt Abbati terram viginti aratrorum* & xiii. Dennas *glandes portantes.* Will. Thorn. *ſub an.* 826. Sax. *den*, a low Place which gives Termination to very many Names of Places, eſpecially among the Woods, as in the *Weald* of *Kent*, *Tenterden*, *Biddenden*, &c. In ſome North Parts of *England* they keep the Word *Dene* for a Valley, as in the Biſhoprick of *Durham*, they ſay, *Skarrs and Denes*, *i. e.* Hills and Vales.

Denbera, A Place for the running of Hogs, a Swine-eumb, or low Valley for the Pannage or Feeding Swine. From the Sax. *Den*, a Valc and *Berg* a *Barrow*, a Hog. In a Charter of King *Ethelred* granting the Manor of *Merſham* to the Church of *Canterbury*. —— *Hæc ſunt Paſcua porcorum quæ noſtra Lingua Saxonica* Denbera *nominamus.*—— And in a Charter of K. *Offa* to the ſaid Church,—— *adjectis* Denberis *in communi ſaltu.*—— See *Somner* of Rom. Ports and Forts, *pag.* 110.

Dene, *Dena*, In the ſame Book ſignifies a *Dale.*

Denne, In the ſame Book ſtands for a *Town.*

Denelage, or *Danelage*, *Denelagia*, Is the Law that the *Danes* made here in *England*, out of which, and *Merchenlage* and *Weſt Saxon-lage*, the Conqueror compounded certain Ordinances for his Subjects. *Cambd. Brit. p.* 94, & 183.

Denizen, From the French *Donaiſon*, i. *Donatio*, ſignifies in Law an Alien that is enfranchiſed by the King's Charter, and inabled in all reſpects almoſt to do as the King's native Subjects do, *viz.* to purchaſe and to poſſeſs Lands, and to be capable of any Office or Dignity; yet it is ſhort of Naturalization, becauſe a Stranger naturalized, may inherit Lands by Deſcent, which a Man made only a *Denizen* cannot. And in the Charter, whereby a Man is made *Denizen*, there is commonly contained ſome one Clauſe or other, that abridgeth him of that full Benefit which natural Subjects do enjoy. And when a Man is thus infranchiſed, he is ſaid to be under the King's Protection, or *eſſe ad fidem Regis Angliæ*, before which Time he can enjoy nothing in *England*. *Bract. lib.* 5. *tract.* 5. *cap.* 25. *num.* 3. Nay he and his Goods might be ſeiſed to the King's Uſe. *Horne* in his *Mirrour of Juſtice*, *lib.* 1. *cap. de la Venue de francpledge*, and 2 *par. Inſt. fol.* 741. See alſo the Statute 27 *H.* 8. *cap.* 24. and *Co. lib.* 7. *Calvin's* Caſe. It ſeems that *Donaiſo* is the right Name ſo called, becauſe his Legitimation proceeds *ex donatione Regis*, from the King's Gift.

De non Reſidentia Clerici Regis, Is an ancient Writ, whereof ſee the Form in 2 *par. Inſt. fol.* 624.

Denſhiring of Lands. To eaſt Parings of Earth, Turf, and Stubble into Heaps, and when dried, to burn them into Aſhes, for a Compoſt on poor barren Land. This Method of Improvement is called *Burn-beating*, and in ſome Parts of *Staffordſhire* they term it *Denſhering of Land.*

Dentrir, a Fiſh with many Teeth. *Et ſint quieti de quibuſcunque priſis caponum, columbarum,* Dentricium, *anguillarum & omnium aliorum piſcium.* Charta H. 6. pro Monaſter. Rameſey.

Deodand, *Deodandum,* Is a Thing given or rather forfeited, as it were, to God, for the Pacification of his Wrath, in eaſe of Miſadventure, whereby any Chriſtian Man cometh to a violent End, without the Fault of any reaſonable Creature. For Example, If a Horſe ſhould ſtrike his Keeper, and ſo kill him: If a Man in driving a Cart, and ſeeking to redreſs any Thing about it, ſhould ſo fall as the Cart-wheel running over him, ſhould kill him: If one ſhould be felling a Tree, and giving warning to Company by, when the Tree was near falling, to look to themſelves, and any of them ſhould be ſlain nevertheleſs by the Fall of the Tree: In the firſt of theſe Caſes, the Horſe; in the ſecond, the Cart-wheel, Cart and Horſes; and in the third, the Tree, is a *Deodand*, and to be given to God; that is, to be ſold and diſtributed to the Poor, by the King's Almoner, for an Expiation of that dreadful Event, though effected by unreaſonable, yea ſenſeleſs and inanimate Creatures. *Staundf. pl. cor. lib.* 1. *cap.* 2. *Bract. lib.* 3. *tract.* 2. *cap.* 5. *Britton, cap.* 17. and *Weſt. Symbol.* Tit. *Indictments, ſect.* 49.

Omnia quæ movent ad Mortem ſunt Deodanda.

What moves to Death, or kills him dead,
Is *Deodand*, and forfeited.

Fleta ſays, this *Deodand* is to be ſold, and the Price diſtributed to the Poor, for the Soul of the King, his Anceſtors, and all faithful People departed this Life. *Lib.* 1. *cap.* 25. *De Submerſis.* Which Law ſeems to bear an Imitation of that in *Exodus, c.* 21. *Si cornu petierit bos virum vel mulierem, ita ut moriatur, lapidabitur bos neque comedetur caro ejus, ac Dominus ejus erit innocens.* This Word is mentioned in the Stat. *De Officio Coronatoris, Anno* 4 *Ed.* 1. See 3 *Part. Inſt. fol.* 57. Since therefore by the *Moſaical* Law the Ox was to be ſtoned to Death, it ſeems reaſonable that the Price of the Ox ſhould be beſtowed in pious and charitable Uſes.

De deoneranda pro rata portionis, Is a Writ that lieth where one is diſtrained for a Rent that ought to be paid by others *proportionably* with him. For example, a Man holds Ten Ox-gangs of Land by Fealty, and 10*s.* Rent of the King, and alienateth one Ox-gang to one, another to another in Fee; afterwards the Sheriff, or other Officer, cometh and diſtraineth only one of them for the Rent; he that is diſtrained may have this Writ for his Relief. *F. N. B. f.* 234.

Depalliare. See *Detunicare.*

Departer, or **Departure,** From a Plea, or Matter, is where a Man pleads a Plea in Bar of an Action, and being replied thereunto, doth in his Rejoinder ſhew another Matter contrary to his firſt Plea, that is called a *Departure from his Bar, Plowd. Com. fo.* 7, 8. *Reniger* and *Fogaſſa*'s Caſe. It may alſo be applied to a Plaintiff, who in his Replication ſhews new Matter from his Declaration. *Co.* 2. *par. f.* 147. *Bagſhawe*'s Caſe. So if a Man plead a general Agreement in Bar, and in his Rejoinder alledge a ſpecial one; this ſhall be adjudged a *Departure* in pleading. So in Treſpaſs, if the Defendant will plead a Diſcent, and the Plaintiff, that after this the Defendant enfeoffed him; and the Defendant ſaith, this Feoffment was upon Condition, for the Breach whereof he entred: This is a *Departure*, for it is new Matter. Of this, ſee divers Examples in *Broke*, Tit. *Departer de ſon plea.*

Departure in Deſpight of the Court, Is, when a Tenant or Defendant appears to an Action and hath a Day over in the ſame Term, or is called after, though he had no Day given him, ſo that it be in the ſame Term; if he do not appear, but make Default, it is a *Departure in Deſpight of the Court*, and therefore he ſhall be condemned. And here obſerve, That *Departure in Deſpight of the Court*, is always on the Part of the Tenant or Defendant, and the Entry thereof is, *Quod prædictus* A. *licet ſolenniter exactus non revenit ſed, in contemptum curiæ receſſit & defaltam fecit:* And this is when in Judgment of the Law he is preſent in *Court*, and being demanded, *departs in Deſpight of the Court.* This amounts to a Bar in reſpect of the *Deſpight* and Comtempt *of the Court.* See *Co. lib.* 8. *fol.* 62.

To Depart, To divide or ſeparate actively. *This Hill* departed *the Land of the Ammonites from that of the Amorites. Bat upon Bat.* lib. 14. ca. 13. Men that divide and *depart* Fields. *ib. cap.* 50. So in *Wickliffe*'s Tranſlat. Gen. 1. 4. *Depart the Light from Darkneſs.* And it was in that Age properly expreſt in our old Office of Matrimony, *till death us depart*, now more intelligible to the Vulgar, *till Death us do part.* Hence the *Departers of Gold and Silver* were no more than the Dividers and Refiners of thoſe Metals.

Departers of Gold and Silver. See *Finers.*

Deperſonatus. See *Diſperſonatus.*

Depopulation, *Depopulatio,* Is the laying Waſte, deſtroying and unpeopling of a Place. *Co.* 12. *Rep. f.* 30. This is now the apparent Effect of eneloſing Lordſhips and Manors, by which Means ſeveral good old populous Villages have been reduced from a great Number of ſufficient Farms, to a few Cottages.

Depopulatores agrorum, Were great Offenders by the Common Law, as appears by the Statute 4 *H.* 4. 2. and were called *Depopulatores agrorum*, becauſe by proſtrating and ruining of Houſes, they ſeemed to *depopulate* Towns, that is, leave them without Inhabitants. 3 *par. Inſt. f.* 204. See alſo 13 *El.* 10. and 14 *El.* 11.

Depoſition (*Depoſitio*) is the Teſtimony of a Witneſs, otherwiſe called a *Deponent*, put down in Writing by way of Anſwer to Interrogatories exhibited to that Purpoſe in *Chancery*, &c. And when ſuch Witneſs is examined in open Court, he is ſaid to be examined *Viva voce. Depoſition* is alſo uſed for Death; as in *Provin. Angl. lib.* 2. Tit. *De feriis. Ordinamus quod Feſtum* Depoſitionis *Sancti Johannis de Beverlaco,* 7 *die* Maii, *per Provinciam noſtram antedictam perpetuis temporibus celebretur.*

Deprivation, *Deprivatio,* Is a Bereaving or Taking away, as when a Biſhop, Parſon, Vicar or Prebend, is *deprived* or depoſed from his Preferment for any Matter in Fact or in Law; as if a Schiſmatick, or meer Layman, be preſented, admitted, inſtituted and inducted; this is good

Cauſe of *Deprivation*. See other Cauſes of *Deprivation*. 13 *Eliz. cap.* 12. 21 *H.* 8. *cap.* 13. ——— With the Loſs or Deprivation of all the Spiritual Promotions, whereof, &c. *An.* 2 & 3 *E.* 6. *cap.* 20. *Deprivation* of Biſhops and Deans. *An.* 39 *Eliz. c.* 8.

Deprivatio a Beneficio is when, for ſome great Crime, a Miniſter is wholly and for ever *deprived* of his Living.

Deprivatio ab Officio is when a Miniſter is for ever *deprived* of his Orders, which is alſo called *Depoſitio* or *Degradatio*, and is commonly for ſome heinous Crime meriting Death, and performed by the Biſhop in a ſolemn Manner.

Deputy, Is he that exerciſes in another Man's Right, either Office or other Things; and his Forfeiture or Miſdemeanor ſhall cauſe the Officer, or him whoſe *Deputy* he is, to loſe his Office: But a Man cannot make his *Deputy* in all Caſes, except the Grant ſo be; as if it be with theſe, or ſuch like Words, *To exerciſe and uſe by himſelf, or his ſufficient Deputy*; or if the Words go farther, *To himſelf, or his* Deputy, *or the* Deputy *of his Deputy*; then he may make his *Deputy*, and his *Deputy* alſo may make a *Deputy*, or elſe not. As if the Office of a Parkerſhip be granted to one, he cannot grant this over to another, becauſe it is an Office of Truſt and Confidence, and ſhall not be forfeited. And there is great Difference between a *Deputy* and Aſſignee of an Office; for an Aſſignee hath an Intereſt in the Office it ſelf, and doth all Things in his own Name; for whom his Grantor ſhall not anſwer, unleſs in ſpecial Caſes. But a *Deputy* hath not any Intereſt in the Office, but is only the Shadow of the Officer, in whoſe Name he doth all Things. And where an Officer hath Power to make Aſſigns, he may implicitly make *Deputies*, for *cui licet quod majus eſt, non debet quod minus eſt non licere*. And a Sheriff may make a *Deputy*, or Under-Sheriff, although he have not ſuch expreſs Words in his Patent.

De quibus ſur diſſei, Is a Writ of Entry. See *Fitz. Nat. Brev. f.* 191.

Der. Names of Places beginning with *Der* ſignify they were formerly where wild Beaſts herded together, from the Sax. *Deor*, *Fera*; unleſs the Situation was near ſome River.

Deraign or Derepn, *Diſrationare vel diratiocinare*, may ſeem to come of the French *Diſarroyer*, id eſt, *confundere*, to confound or diſorder, or *diſranger*, to put in Diſorder; or of the *Norman* word *Deſrene*, which ſignifies nothing but a Proof of the Denial of a Man's own Fact. In our Common Law it is uſed diverſly. Firſt generally, To prove, as *Dirationabit jus ſuum hæres propinquior*. Glanvile, lib. 2. cap. 6. And *habeo probos homines, qui hoc viderunt & audierunt & parati ſunt hoc diratiocinare*. Id. lib. 4. cap. 6. And *dirationavit terram illam in curia mea*. Id. lib. 2. cap. 20. he proved that Land to be his own, &c. And *pertinentiam eam dirationavit in vita ſua, vel alio modo juſte perquiſivit*. Id. lib. 6. cap. 12. And *Bracton* uſeth it after the ſame Sort, in theſe Words, *Habeo ſufficientem diſratiocinationem & probationem*. Lib. 4. tract. 6. cap. 16. And ſo he uſeth *Dirationare*. *Lib.* 4. *cap.* 22. And ſo in *Weſtm.* 2. 13 *E.* 1. *cap.* 32. And to *deraign* the Warranty. *Old. Nat. Brev. fol.* 146. And to *deraign* the Warranty Paramount. 31 *H.* 8. *cap.* 1. And *dereigner le Warranty* in *Plowden*, *Baſſet's* Caſe, *in fine* 2. *partis fol.* 6, 7, 8. hath the ſame Signification. So it is uſed, *Weſtm.* 2 *cap.* 5. 13 *E.* 1. in theſe Words. And when the Parſon of any Church is diſturbed, to demand Tithes in the next Pariſh by a Writ of *Indicavit*; the Patron of the Parſon ſo diſturbed, ſhall have a Writ to demand the Advowſon of the Tithes, being in Demand; when it is *deraigned*, then ſhall the Plea paſs in the *Court-Chriſtian* as far as the ſame is *deraigned* in the King's Court. *Bract.* alſo 3. *Lib. tract.* 2. *c.* 3. *num.* 1. ſpeaking of him that appealeth another for any Treaſon or Felony, hath theſe Words, *Proponat accuſans appellum ſuum in hunc modum*, ſc. *debet dicere ſe interfuiſſe & vidiſſe certo loco, certo die, certa hora, & ſciviſſe ipſum accuſatum prælocutum fuiſſe mortem Regis vel ſeditionem ſuam, vel exercitus ſui, vel conſenſiſſe, vel auxilium & conſilium impendiſſe, vel ad hoc authoritatem præſtitiſſe, & hoc ego juxta conſiderationem curiæ* diſrationare *paratus ſum*. He uſeth it likewiſe as the *Normans* uſe *Diſraiſniam*, for him that offereth to juſtify his Denial, as *Lib.* 3. *tract.* 2. *cap.* 28. *num.* 1. in theſe Words, *Rex conſilio Epiſcoporum & bonorum miſit propter comitem, ut ſtatuto die veniret ad curiam, ad* diſrationandum *vel defendendum ſe ſi poſſit*. Laſtly, in ſome Places the Subſtantive *Deraignment* is found uſed in the very literal Signification of the French *Derayer* or *Diſranger*, that is, turning out of Courſe, as *Deraignment* or Departure out of Religion, 31 *H.* 8. *cap.* 6. and *Deraignment* or Diſcharge of their Profeſſion, 33 *H.* 8. 29. which is ſpoken of thoſe religious Men which forſook their Orders, or Profeſſion; as alſo 5 & 6 *E.* 6. *cap.* 13. So doth *Kitchin* uſe the Word, *fol.* 152. ſaying. The Leſſee entreth into Religion, and afterwards is *dereigned*. And *Britton* hath theſe Words, *Semounſe diſrenable*, for a Summons that may be challenged as defective, or not lawfully made, *cap.* 21. Of this you may read more in *Skene de verb. ſignif. verbo Diſrationare*, where he confoundeth it with our waging and making of Law.

Derefeld, a Park: From the Sax. *Deor*, *Fera*, and *Fald*, *Stabulum*.

De Revocatione Parliamenti is a Writ for recalling a *Parliament*, as in 5 *Ed.* 3. the *Parliament* being ſummoned, was recalled by ſuch a Writ before it met. See *Pryn's Animad. on the* 4 *Inſt. f.* 44.

Derventio, *Auldby* upon *Derwent* in *Yorkſhire*.

Deſcent. See *Diſcent*.

De ſon tort demeſn (Fr. *Rectius deméne*, *i. e.* a Plot, Motion, or Enterprize) are Words of Form, uſed in an Action of Treſpaſs by way of Reply to the Defendant's Plea. For Example; *A.* ſues *B.* in ſuch an Action; *B.* anſwers for himſelf, That he did that which *A.* calls a Treſpaſs by the Command of *C.* his Maſter: *A.* ſaith again, That *B.* did it *de ſon tort demeſne, ſans ceo que C. luy command, modo & forma*, that is, *B.* did it of his own Wrong without that, that *C.* commaded him, in ſuch Form, &c.

Deſpitus, *i. e.* a contemptible Perſon. 'Tis mentioned in *Fleta*, *lib.* 4. *c.* 5. *par.* 4. viz. *Ballivi & ſervientes Regis populum ſibi ſubditum gravare conſueverunt, ponendo in Aſſiſis & juratis homines languidos &* Deſpitos, &c.

Deſtraies. See *Dextrales* and *Dextrarius*.

Deſubito, to weary one with continual barking, and then to bite, *viz. Si canis hominem* Deſubitet, *aut mordeat tacitus, in prima culpa reddantur ſex ſol.* Leg. Alured. 26.

Detachiare, *Dittachiare*, by Writ of *Detachment* or other Courſe of Law, to ſeize or take into Cuſtody another's Goods or Perſon.

Detinue, *Detinendo*, Is a Writ that lieth against him, who having Goods or Chattels delivered to him to keep, refuseth to deliver them again. See of this *F. N. B. fol.* 138. To this is answerable in some sort, *Actio depositi* in the Civil Law. And he taketh his Action of *Detinue*, that intendeth to recover the Thing delivered, and not the Damages sustained by the *Detinue*. *Kitchin. fol.* 176. See the *New Book of Entries*, *verbo* Detinue.

Detractare, To be torn in Pieces with Horses. *Fleta, lib.* 1. *c.* 37. *Apostatæ, Sacrilegi, & hujusmodi*, detractari *debent & comburi.*

Detunicare, To discover, or lay open. *Et sic suas proprias proditiones manifeste toto mundo* Detunicavit. Mat. Westm. Anno 1240.

Deva, the River *Dee* in *Cheshire.*

Deva, or Devana, *Chester*, or *West-Chester.*

Devadiatus, Without Sureties or Pledges — *Si homo in villa delinquit & Devadiatus fuerit, nil inde habet Præpositus Regis.* Domesday Tit. Sudrei.——

Devastaverunt bona Testatoris is a Writ lying against Executors for paying Legacies and Debts without Specialties, to the Prejudice of the Creditors that have Specialties, before the Debts on the said Specialties are due: For in this Case the Executors are as liable to Action, as if they had wasted the Goods of the Testator riotously, or converted them to their own Use; and are compellable to pay such Debts by Specialty out of their own Goods, to the Value of what they so paid illegally. For the orderly Payment of Debts and Legacies by Executors, so as to escape a *Devastation*, or charging their own Goods, see the *Office of Executors, c.* 12.

Devenerunt *Lat.* is a Writ heretofore directed to the Escheator when any Tenant of the King, holding *in Capite*, died; and when his Son and Heir, within Age, and in the King's Custody, died, then this Writ went forth, commanding the Escheator that he, by the Oath of good and lawful Men, enquire what Lands and Tenements by the Death of the Tenant, *came* to the King. See *Dyer, f.* 360. *Pl.* 4. and *Keilwey's Rep. fol.* 199. *a.* Though this Writ, in the Sense aboveSaid, be disused, yet a new Use of it is prescribed by Act of Parliament, 14 *Car.* 2. *c.* 11. entituled, *An Act for preventing Frauds, and regulating Abuses in his Majesty's Customs.*

Devest, (*Devestire*) Is contrary to *Invest*; for as *Investire* signifies *possessionem tradere*, so *Devestire* is *possessionem auferre.* Feud. lib. 1. cap 7.

Devise, or Devise, Cometh of the French *Divider, separare*, or *Deviser*, to confer with. This Word is properly attributed in the Common Law, to him that bequeaths his Lands and Goods by his last Will and Testament in Writing, and he is called the *Devisor*, and he to whom the *Devise* is made, the *Devisee*. And here we are to observe, That the Laws of the Realm, and the Judges thereof, favour Wills and Testaments, and *Devises*, in yielding to them such a reasonable Construction as they think might best agree with the Mind of the Deceased, and are more favourably interpreted in Wills than in Deeds: We will set down some few Examples; as if one *devise* to *J. S.* by his Will all his Lands and Tenements; here not only all those Lands that he hath in Possession, but all those that he hath in Reversion, by Virtue of the Word *Tenements* pass. Again, if Lands be *devised* to a Man, to have to him for ever, or to have to him and his Assigns: In these two Cases the *Devisee* shall have a Fee-simple: But if it be given by Feoffment in such Manner, he hath but an Estate for Term of Life.——If one *devise* to an Infant *in ventre matris suæ*, it is a good *Devise*; but otherwise by Feoffment, Grant or Gift; for in those Cases there ought to be one of Ability to take presently, or otherwise it is void. See 14 *Eliz. Dyer* 304. and *Co.* on *Littl. fol.* 111. And this favourable Allowance to Wills even the Heathens observed, as appears by these Verses.

Sed legum servanda fides; suprema voluntas
Quod mandat, fierique jubet, parere necesse est.

Laws must be reverenc'd; and what ere is laid
Upon us by a Will *must be obey'd.*

Devisere, The Word is used in *Domesday-Book*, Tit. *Hereford*, in the same Sense of *devising* by Will. *Siquis morte preventus non* devisisset *quæ sua erant, Rex habebit omnem ejus pecuniam.*

Devoires of Calais (*Anno* 2 *R.* 2. *Stat.* 1. *c.* 3.) were the Customs due to the King for Merchandize brought to, or carried out of *Calais*, when our Staple was there.——Paying their Customs and *Devoyres* to the King. *Anno* 34 *Ed.* 3. *cap.* 18. *Devoir*, in *French*, signifies Duty.

Devorce. See *Divorce.*

Dextrarius. Willielmus de Breosa *dedit Regi tres* dextrarios, *quinque Chacuros, & viginti quatuor sensas pro habenda seisina castrorum de Grosmunt Skenefrith & Clanteli.* Rot. Car. in turr. Lond. de Anno 7 Joh. n. 38. That is three light Horses or Horses for the great Saddle, from the Fr. *Destrier*, which signifies a Horse for Service.——

Dextrarius, in another Sense signifies, To take the Right-hand of another, *viz. Ordinatis igitur quæ fiunt in applausibus hujusmodi*, dextravit *archiepiscopum Londinensis Episcopus, sinistravit Wintonienses. Dicet. in Anno* 1193.

Dextras dare, in Token of Friendship; which is used at this Day, by Shaking of Hands.

Jam pariter coeant animorum in pignora Dextræ.

'Tis mentioned by *Walsingham* as a Giving up himself to the Power of another. *Page* 332.

Devuecti Canes. ——Willielmus Couch *tenet duas carrucatas terræ de Domino Rege apud* Benham *com.* Berk. *per serjantiam custodiendi unam mensam* Deynetorum Canum, *ad custum Domini Regis.* Anno 12 Ed. 1.——Tenures, p. 38.

Diamicus, a very good Friend. *Non est narratu facile quam efficax fuit in exhortando* Diamicos & *Discipulos.* Malms. in vita Aldhelmi, 1. c. 3.

Diapasium, an Electuary, *Diapasii Coloris* is Green. *Du Fresne.*

Diarium, Daily Food; as much as was sufficient for the Day. *Constituit quædam* Diaria *dari scriptoribus.* Du Cange.

Diasper. *Diaper*, or Linen variegated in the Weaving. —— Henricus *Abbas* Glaston. *tempore Regis* Hen. 1. *isti Ecclesiæ contulit ornamenta satis pretiosa, videl. pallas novem optimas, quarum quædam erant de* Diaspre, *quædam de samito.* ——Chartular Abbat. Glaston. MS. *f.* 12.

Diasperatus, Stained with many Colours, *Sandalia cum caligis de rubeo sameto* diasperato *breudeta cum imaginibus Regum.* Mon. 3 Tom. pag. 314.

Dice, A Tally for Accounts by Number of *Taillees*, Cuts, Marks, or Notches. —— *Et præter*

hoc debet Magiſter Mariſchalcia habere Dicas *de donis & liberationibus quæ fuerint de theſauro Regis & de ſua camera, & debet habere* Dicas *contra omnes officiales Regis ut teſtes per omnia.* Lib. 6. Rub. Scacc. Angl. f. 30.——*Inſtitutum eſt ut diligenter per* Dicam *notetur quantum ex omni genere bladi vel legumi-nis expendetur in ſemine* ——Dica *illa dividatur in duo, & una pars deputabitur cuſtodiæ Hoſpitalis Fratris* ——*altera Grangiaria.* Stat. ord. de Semplingham, pag. 748.

Dicker or Dicre of Leather is a Quantity conſiſting of ten Hides. The Word probably comes from the *Greek* Δέκα, which ſignifies Ten. *Civitas Glouceſtriæ reddebat* xxxvi. Dicras *ferri*, Domeſday; *i. e.* 36 *Dickers* of Iron, 10 Bars to the *Dicker. Gale's Hiſt. Brit.* 766.

Dicra ferri, A Quantity of Iron conſiſting poſſibly of Ten Bars. —— T. R. E. *reddat civitas de* Gloweceſtre xxxvi. Libr. *numeratas, &* xii. *ſextaria mellis ad menſuram Burgi, &* xxxvi. Dicras *ferri, & centum virgas ferreas ductiles ad clavos navium Regis, & quaſdam alias minutas conſuetudines in Aula & in camera Regis,* ——Lib. Domeſday Glouceſt.

Dictores, Litium: The one is an Arbitrator; the other is the Arbitrament. *Protulit* Dictum *ſuum & ſententiam pro Rege Angliæ.* Mamſ. pag. 384.

Dictum de Kenelworth was an Edict or Award between King *Henry* III. and all thoſe Barons, and others, who had been in Arms againſt him; and ſo called, becauſe it was made at *Kenelworth-Caſtle*, in *Warwickſhire*, *An.* 51 *H.* 3. containing a Compoſition of five Years Rent for the Lands and Eſtates of thoſe who had forfeited them in that Rebellion.

Diem clauſit extremum Was a Writ that iſſued out of the *Chancery* to the Eſcheator of the County, upon the Death of any of the King's Tenants *in Capite*, to enquire by a Jury of what Lands he died ſeiſed, and of what Value, and who was the next Heir to him. *Fitz. Nat. Br. fol.* 251.

Dies, There are four Sorts of *Days*, A *Day natural*, and ſo the Scripture ſaith, *The Evening and the Morning made the firſt Day.* 2. A *Day artificial*, and that is *a crepuſculo matutino uſque ad crepuſculum veſpertinum.* 3. *Dies aſtrologicus*, an Aſtrological Day from Sun to Sun. 4. A *legal Day*, and that is of two Sorts, 1. *Dies Juridicus*; and 2. *Dies non Juridicus. Dies Juridici* are all Days in Bank, Continuance, Eſſoin-days, and other Days given in Term to the Parties in Court. *Dies non Juridici* are all *Sundays* in the Year; beſides, in the ſeveral Terms particular Days, as in *Eaſter-Term, feſtum aſcenſionis Domini*; in *Trinity-Term, feſtum ſancti* Johannis Baptiſtæ; in *Michaelmas-Term, feſtum omnium Sanctorum, & feſtum omnium animarum*; and in *Hilary-Term, feſtum Purificationis beatæ* Mariæ *Virginis.* And this was the ancient Law of *England*, and yet in Uſe. 2 *par. Inſt.* 264.

Dies. One Day's Entertainment, Farm, or Reception,——*reddebat unam diem de firma, & valebat* 95. *Libr. &* 6. *denar.* Domeſday, where there be many other Fee-Farm Rents, as we may call them, reſerved to the King in ſo many Days or Nights Proviſion. *Et reddebat dimidiam diem mellis, &c. Et unam diem de firma*; that is, As much Honey as was ſufficient for the King's Family for half a Day; and as much Proviſion as was enough for a whole Day. *Domeſday, apud Spelman.*

Dies datus is a Day or Time of Reſpite, given to the Tenant or Defendant by the Court. *Broke*, Tit. *Continuance.*

Dies Marchiæ, The Day of Congreſs or Meeting between the *Engliſh* and *Scotch*, appointed annually to be held on the *Marches* or Borders, to adjuſt all Differences, and preſerve the Articles of Peace.—— *Dux* Lancaſtriæ——*pro* Die Marchiæ (*prout Moris eſt*) *tenenda inter* Anglos & Scotos *annis ſingulis, in partes conceſſerat boreales.* Tho. Walſingham, *in* R. 2. p. 278. *Convenerunt ad* Diem Marchiæ, & *conventum fuit inter eos pro commodo pacis, &c.* Ib. p. 307.

Dieta, A Days-work. —— *Per ſervitium metendi bladum Domini per tres* Dietas *in Autumno ad cibum ipſius Domini ad primam* dietam *per quatuor homines, &c.* Cartular. Rading. MS. pag. penult.

Dieta rationabilis Is uſed in *Bracton* for a reaſonable Day's Journey. *Lib.* 3. *part.* 2. *cap.* 16. And we find in *Fleta*, *Omnis rationabilis* Dieta *conſtat ex viginti miliaribus.* Lib 4. cap. 28. par. 13. It hath in the Civil Law divers other Significations not needful here to be ſet down. *Vide vocab. utriuſque juris.*

Dieu ſon act, Theſe are Words oftentimes uſed in our Law; and it is a Maxim, that the *Act* of God ſhall prejudice no Man: And therefore if a Houſe be beaten down by Tempeſt, or other *Act* of God, the Leſſee for Life or Years ſhall not only be quit in an Action of Waſte brought againſt him, but hath by the Law a ſpecial Intereſt to take Timber to build the Houſe again, if he will, for his Habitation. *Co. lib.* 4. 63. & *lib.* 11. 82. *a.* So, when the Condition of an Obligation conſiſts in two Parts in the Disjunctive, and both are poſſible at the Time of the Obligation made, and afterwards one of them becomes impoſſible by the *Act* of God; the Obligor is not bound to perform the other Part, for the Condition ſhall be taken beneficially for him. *Co. lib.* 5. 22.

Diffacere, To deſtroy. *Si vero non compareat Charta, ſed ab illo qui inſervire vult* Diffacta *ſit*, (that is, *Torn*). Du Cange.

Diffactio is a Maiming any one. *In furto & murdro & eis quæ ad* Diffactionem *pertinent.* Leg. H. 1. c. 64, 88, 92.

Diffarciare rectum, To deny Juſtice, being required to do it. *Si quiſquam de proceribus regni.* Diffarciaverit *Archiepiſcopo vel Archidiacono de ſe ſuiſque juſtitiam exhibere, Dominus Rex debet eos juſtitiare.* Mat. Pariſ. Anno 1164. Sometimes it ſignifies To take away; as *Diffarciare dotem.* See *Deforcement.*

Digeſtum, the Book of Pandects of the Civil Law; ſo called, becauſe it contains *Legalia præcepta excellenter.* Digeſta. Du Cange.

Dignitaries, *Dignitarii*, Are ſuch as are advanced to any Eccleſiaſtical Promotion, as Dean, Archdeacon, Prebendary, *&c.* 3 *par. Inſt. fol.* 155.

Dignity Eccleſiaſtical (*Dignitas Eccleſiaſticalis*) is mentioned in the Stat. 26 *H.* 8. *cap.* 31, & 32. *ejuſdem, cap.* 15. And is by the Canoniſts defined to be, *Adminiſtratio cum juriſdictione & poteſtate aliqua conjuncta*; whereof you may read Examples in *Duarenus, de Sacris Eccleſ. Miniſtris & Beneficiis, lib.* 2. *cap.* 6. Of *Dignities* and Prebends *Camden* reckons in *England* 544. *Britan. p.* 161.

Dilapidation (*Dilapidatio*) a wasteful Spending or Destroying; or the letting Buildings run to Ruin and Decay for want of due Reparation. *An.* 13 *Eliz. c.* 10. Money recovered for *Dilapidations* shall be employed in Repair of the same Houses. *Anno* 14 *El. cap.* 11.

Diligiatus, *i. e.* Outlawed. *De Lege ejectus*, viz. *Si quis* Diligiatus *legalem hominem accusat, funestam dicimus vocem ejus.* Leg. Hen. 1. cap. 45.

Dilligrout, Pottage formerly made for the King's Table on his Coronation-Day.——Robertus Agyllon *tenet unam carucatam terræ in* Adington in com. Surr. *per serjantiam faciendi unum ferculum in villa lutea in coquina Domini Regis die coronationis suæ. Et vocatur* Dilligrout, 39 H. 3.——Old Tenur. p. 1.

Demetæ, *West-Wales*; scil. *Carmarthen, Pembroke*, and *Cardigan Shires.*

Dimidietas, The Moiety or one half——*Sciant quod Ego* Matilda *Filia* Willielmi le Franceys *dedi* ——— Waltero de Stetton Dimidietatem *illius Burgagii, &c. sine dat.*——Ex Libro Cart. Priorat. de Leominstre. ———

Dimissory Letters; When a Candidate for Holy Orders has a Title in one Diocese, and is to be ordain'd in another, the proper Diocesan gives *Letters dimissory* to some other ordaining Bishop, giving Leave that the Bearer may be ordain'd to such a Cure within his District.

Dinarium. A Dinner, the Meal opposed to *Prandium. Et cariabit bladum per unum diem, & habebit tam ad* dinarium *quam ad prandium, panem, cervisiam, & carnes.* Consuetud. domus de Farendon. MS.

Diocese. *Diœcesis*, A *Greek* Word compounded of διὰ and οἰκέω, and signifies with us the Circuit of every Bishop's Jurisdiction; for this Realm hath two Sorts of Divisions; one into Shires or Counties, in respect of Temporal Polity; the other into *Dioceses*, in respect of Jurisdiction Ecclesiastical, of which last we reckon in *England* Two and twenty, besides four in *Wales.* At first it signify'd a Parish; *Diœcesis est proprie baptismalis Ecclesiæ territorium & Gubernatio.* Du Fresne.

Dirationare. See *Disrationare.*

Dirge, or Dyrge, A mournful Ditty, or Song of Lamentation over the Dead; not a Contraction of the Lat. *Dirige*, in the Hymn *Dirige gressus meos*, as some pretend: But from the Teutonick *Dyrke* Laudare, to praise and extol: Whence it is possible their *Dirke* and our *Dirge* was a laudatory Song to commemorate and applaud the Dead.

Dirotheum, i. e. *Duplex refectio*, viz. *Ipsiusque loci Abbas Regi deserviens gregem sibi commissum* Dirocheo, *i. e. Duplici pastu foveat.* Monast. 1 Tom. p. 218.

Dirtum, a Pecuniary Punishment.

Disability, *Disabilitas*, Is, when a Man is *disabled* of, or made incapable to inherit or take a Benefit which otherwise he might have done, which may happen four Ways, by the Act of the Ancestor, by the Act of the Party, by the Act of Law, and by the Act of God. 1. *Disability* by the Act of the Ancestor; as if a Man be attainted of Treason or Felony; by this Attainder his Blood is corrupt, and thereby himself and his Children *disabled* to inherit. 2. *Disability* by the Act of the Party himself; as if one Man make a Feoffment to another that then is sole, upon Condition, that he shall enfeoff a Third before Marriage, and before the Feoffment made, the Feoffee takes a Wife; he hath by that *disabled* himself to perform the Condition according to the Trust in him reposed, and therefore the Feoffor may enter, and oust him. *Lit. sect.* 357. So if I bind my self, that upon Surrender of a Lease, I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion: In this Case, though I afterwards purchase the Reversion, yet I have forfeited my Obligation, because I was once disabled to perform it. *Co. lib.* 5. *fol.* 21. Also if a Man be excommunicated, he cannot during that Time sue any Action, but shall be thereby *disabled. Co. lib.* 8. *fol.* 69. and so in other Cases. 3. *Disability* by Act of Law, is properly when a Man by the sole Act of the Law is *disabled*, and so is an Alien born. And therefore if a Man born out of the King's Ligeance, will sue an Action, the Tenant or Defendant may say, That he was born in such a Country, out of the King's Ligeance, and demand Judgment if he shall be answered; for the Law is our Birth-right, to which an Alien is a Stranger, and therefore *disabled* to take any Benefit thereby. 4. *Disability*, by the Act of God, as to be *Non compos mentis*, or *non sanæ memoriæ*, which so *disables* him, that in all Cases where he gives or passes any Thing or Estate out of him, after his Death it may be disannulled and avoided. And here observe, That it is a Maxim in our Law, That *a Man of full Age shall never be received to* disable *his own Person*; and this Incapacity to *disable* himself, as to some, is personal, extending only to the Party himself; but as to others it is not personal, yet shall bind them as *Privies.* Now there are four manner of *Privities*, viz. *Privity in Blood*, as Heir. *Privity in Representation*, as Executors or Administrators. *Privies in Estate*, as Donee in Tail, the Reversion or Remainder in Fee, &c. And *Privies in Tenure*, as Lord and Tenant. Two of these may *disable* the Person of the Dead, which was *Non sanæ Memoriæ*, or, &c. and shall avoid his Grants or Feoffments, *viz. Privies in Blood* may shew the *Disability* of the Ancestor, and *Privies* in *Representation* the Infirmity of their Testator or Intestate. *Co. lib.* 4. *f.* 123, 124. See *Lit. sect.* 405. and *Co. lib.* 8. *fol.* 43.

Disadvocare, To deny, or not to acknowledge a Thing. 'Tis mentioned in *Hengham Magna, cap.* 4. viz. *Et ipse reus dedicit in pleno Comitatu ipsi petenti hujusmodi servitia petita, & ipsum* Disadvocat *pro Domino.*

Disalt, Signifieth as much as to *disable. Littleton* in his Chapter of *Discontinuance.*

Disboscare, A Turning Wood Ground into arable or Pasture, an Assarting. See *Assart.*

Discaligatus, *i. e.* Without Shoes. *Dicentes nequaquam debere Regem adire tales* Discaligatos *ribaldos.* Walsigh. p. 248.

Discarcare, Properly to unlade a Ship or Vessel by taking out the *Cargo* or Goods.——*Et prædictus Prior* carcare & discarcare *fecit ibidem Merchandisas & Denariatas quascunque.* Placit. Parl. 18 E. 1.

Discrete, see *Deceit* and *Deceptione.* See also the *New Book of Entries, verbo* Disceit.

Discent, *Discensus*, In the French *Descent*, signifies in the Common Law, an Order or Means whereby Lands or Tenements are derived unto any Man from his Ancestors; as to make his *Discent* from his Ancestors, *Old Nat. Brev. f.* 101. is to shew how, and by what Degrees the Land in Question came to him from his Ancestors; as first from his great Grandfather to his Grand father,

ther, from his Grandfather to his Father, and so to him, or in other such like sort. This *Discent* is either *lineal*, or *collateral*; *Lineal Discent* is conveyed downwards, in a right Line from the Grandfather to the Father, and from the Father to the Son, and from the Son to the Nephew, &c. *Collateral Discent* is springing out of the Side of the whole Blood, as Grandfather's Brother, Father's Brother, &c. If one die seised of Land, (in which another has Right to enter,) and it descends to his Heir, such *Discent* shall take away the other's Right of Entry, and put him to his Action for Recovery thereof. *Stat.* 32 *H.* 8. *c.* 33. *Coke on Lit. f.* 237.

Disclaimer (from the Fr. *Clamer*, with the Privative *Dis*) is a Plea containing an express Denial, Renouncing or *Disclaiming*; as, If the Tenant sue a Replevin upon a Distress taken by the Lord, and the Lord avow, saying, That he holds of him as of his Lord, and that he distrained for Rent not paid, or Service not performed; then the Tenant, denying to hold of such Lord, is said to *disclaim*; and the Lord proving the Tenant to hold of him, the Tenant loseth his Land. Also a Man denying himself to be of the Blood or Kindred of another in his Plea, is said to *disclaim* his Blood. See *Coke on Littl. fol.* 102. and *Fitz. Nat. Brev. fol.* 197. If a Man arraigned of Felony *disclaim* Goods, being cleared, he loseth them. See *Broke* and *New Book of Entries*, Tit. *Disclaimer*, and *Staundf. Pl. Cor. f.* 186. In *Chancery*, if a Defendant by his Answer *disclaim* the having any Interest in the Thing in Question, this is also called a *Disclaimer*.

Discontinuance, *Discontinuatio*, Cometh of the French *Discontinuer*, that is, *cessare*, and signifieth in the Common Law nothing else but an Interruption, or breaking off, and is twofold, *Discontinuance of Possession*, and *Discontinuance of Process*: The Effect of *Discontinuance of Possession* is this, That a Man may not enter upon his own Land or Tenements alienated, whatsoever his Right be unto them, of his own self, or by his own Authority; but must bring his Writ, and seek to recover *Possession* by Law; as, If a Man alien the Lands he hath in Right of his Wife; or if Tenant in Tail make any Feoffment, or Lease for Life, not warranted by the Stat. 32 *H.* 8. by Fine or Livery of Seisin; such Alienations are called *Discontinuances*: Which are indeed Impediments to an Entry, whereby the true Owner is left only to his Action. See the *Terms of the Law*, *verbo* Discontinuance. *Institutes of the Common Law*, c 43. *Co. Rep. lib.* 3. Case *Of Fines*, *fol.* 85. The Effect of *Discontinuance of Plea or Process*, when the Instant is lost, and may not be regained, but by a new Writ to begin the Suit afresh: For to be *discontinued*, and to be put *sine die*, is all one, and nothing else but to be dismissed finally the Court. *West. Symbol. part.* 2. Tit. *Fines*, *sect.* 115. So *Crompton* in his *Jurisdictions*, *fol.* 131. useth it in these Words, *If a Justice-Seat be* discontinued *by the not coming of the Justices, the King may renew the same by his Writ*, &c. In this Signification *Fitzherbert* in his *Nat. Brev.* useth the Word divers Times, as *Discontinuance* of Corrody, *fol.* 193. To *discontinue* the Right of his Wife, 191, & 193. *Discontinuance* of an Assise 182, & 187. *An.* 31 *El. c.* 1. 12 *Car.* 2. *ca.* 4. 14. *Car.* 2. *c.* 10. *Co.* on *Littl.* 325.

Discus, Desus, A Desk or leaning Shelf. *Super reparatione* discorum, & *stallorum in cancello Ecclesiæ controversia orta est.* Hist. Croyland. Contin. pag. 521. So *Robert de Replingham* Chancellor of the Ch. of *York*, in his last Will proved 3 *Kal. Sept.* 1332. ——*Item Cathedram meam* & discum *meum Cancellar.* Ebor. *successori meo. Ex Collectan.* Matth. Hutton. S. T. P. MS.

Disfranchise, To take away from any one his Privilege or Freedom. 14 *Car.* 2. *cap.* 31. It is contrary to *Enfranchise*, which see.

Disgrading, or Degrading, (*Degradatio*,) is the Punishment of a Clerk, who, being delivered to his Ordinary, cannot purge himself of the Offence, whereof he was convict by the Jury; and it is the Privation or Devesting him of the Holy Orders which he had, as *Priesthood*, *Deaconship*, &c. *Staundf. Pl. Cor. fol.* 130, & 138. There is, likewise the *Degrading* of a Lord, Knight, &c. Sir *Andrew Harcla*, Earl of *Carlisle*, was convicted, *degraded*, and attainted of Treason. *Hill.* 18 *E.* 2. *Coram Rege*, *Rot.* 34, 35. When Judgment was pronounced against him, his Sword broken over his Head, and his Spurs hewn off his Heels, Sir *Authony Lucy*, the Judge, said to him *Andrew, now art thou no Knight, but a Knave.* And by the Stat. 13 *Car.* 2. *c.* 15. *William* Lord *Monson*, Sir *Henry Mildmay*, and others therein named, were *degraded* from all Titles of Honour, Dignities, and Preheminencies, and none of them to bear or use the Title of *Lord*, *Knight*, *Esquire*, or *Gentleman*, or any Coat of Arms, for ever after, &c. By the *Canon Law* there are two Sorts of *Degrading*; one *summary*, by Word only; the other *solemn*, by devesting the Party *degraded* of those Ornaments and Rights which are the Ensigns of his Order or Degree. See *Selden's Titles of Honours*, *fol.* 787.

In former Times the *Degrading* a Clerk was no more than a Displacing or Suspension from his Office: But the Canonists have since distinguished between a Deposition and a *Degradation*; the last being a greater Punishment, because the Bishop takes from the Criminal all the Badges of his Order, and afterwards delivers him to the secular Judge, who deprives him of the Title of a Clerk. There are many Forms of *Degradation*, too long to enumerate here. *Du Cange.*

Disherison (Fr. *Desheritement*) is an old Word, signifying as much as *Disinheriting*. It is used in the Statute of *Vouchers*, made 20 *Ed.* 1. Our Lord the King considering his own Damage and Disherison of the Crown, &c. And in 8. *R.* 2. *cap.* 4.

Disheritor. ——The Sheriff shall forthwith be punished as a Disheritor of our Lord the King, and his Crown. Anno 3 Ed. 1. cap. 39. One that *disinheriteth*, or puts another out of his Inheritance.

Disme quinquinal. See *Quinquinal Dismes.*

Dismes, *Decimæ*, Are Tithes, and signifieth the tenth Part of all the Fruits of the Earth, or Beasts, or our Labour due unto God; and so consequently to him that is of the Lord's Lot, that is, our Pastor. It signifieth also the Tenths of Spiritual Livings, yearly given to the Prince, called a *perpetual Disme*, 2 & 3 *E.* 6. *c.* 35. which in ancient Time were paid to the Pope, till Pope *Urbane* gave them to *Richard* the Second, to aid him against the *French* King *Charles*, and those others that upheld *Clement* the Seventh against him. *Polydor. Virgil. Ang. Hist. lib.* 20. Lastly, It signifieth a Tribute levied of the Temporality. *Holinshed* in *H.* 2. *f.* 111. Tithes are of three Sorts, *Predial*, *Personal*, *Mixt*: *Predial* Tithes are of Things that come of the Ground only,

as Corn, &c. *Personal* Tithes are paid of such Things as come of the Labour and Industry of Man's Person, as Buying and Selling, &c. *Mixt* Tithes are of Calves, Lambs, Pigs, and such like.

Disparagement, *Disparagatio*, Is in a Legal Sense used especially for matching an Heir in Marriage under his or her Degree, or against Decency. See *Cowell's Institutes*, Tit. *de Nuptiis*, *sect.* 6. *Co.* on *Littl. fol.* 107. *Lit. lib.* 2. *cap.* 4.

Dispaupered. When any Person by Reason of his Poverty, attested by his own Oath, of not being worth 5 *l.* his Debts being paid, is admitted to sue *in forma pauperis*, if afterwards before the Suit be ended, the same Party have any Lands, or personal Estate fallen to him, or that the Court, where the Sute depends, thinks fit for that or any other Reason, to take away that Privilege from him, then he is said to be *dispaupered*, *i. e.* put out of the Capacity of suing *in forma Pauperis*. ———

Dispensa, a Buttery. *Habere debet uxor sub custodia sua claves* Dispensæ *suæ*, *archæ suæ & scrinii sui.* Bract. lib. 3. tract. 2. cap. 31. par. 9.

Disperſonare, To disparage, or scandalize. *Non es* Deperſonatus *mihi ministrando cum sis filius Comitis*, *ego Regis & Reginæ.*

Disrationare, and **Dirationare**, (Fr. *Desrener*,) To justify or make good the Denial of a Fact. *Est contrarium ratiocinando asserere*, *vel quod assertum est ratiocinando destruere.* We now call it *Traversare*, or Traverse. *Dirationare se* has been used to clear one's self of a Crime. See *Gloss. in decem Scriptor.* and *Deraign. Sciatis me dedisse Deo & Ecclesiæ & Roberto Episcopo Lincolniæ* 12 *bovatas terræ quas Radulfus Basset* Disrationavit *esse in Dominio meo.* Mon. 3 Tom. p. 265.

Dissignare, To break open a Seal. *Sepulto patre Testamentum* dissignatum *est.* Neubrigensis; lib. 2. c. 7.

Disseisin, *Disseisina*, Signifieth an unlawful Dispossessing a Man of his Land, Tenement, or other immoveable or incorporeal Right, *Institutes of the Common Law*, *cap.* 15. And how far this extendeth, see *Bract. lib.* 4. *cap.* 3. And therefore the Assises be called *Writs of Disseisin*, that lie against *Disseisors* in any Case, whereof some be termed *little Writs of Disseisin*, being *Vicontiel*, that is, sueable before the Sheriff, in the County-Court. *Old Nat. Brev. fol*, 109. because they are determined by the Sheriff without Assise, *Reg. Orig. fol.* 198. *b.* as for Nusances of no great Prejudice: *Disseisin* is of two Sorts, either *simple*, committed by Day without Force and Arms, *Bract. lib.* 4. *cap.* 4. *Brit. cap.* 42, 43, 44. where you shall find in what especially it is lawful, and in what not. *Brit. ca.* 53. And *Disseisin* by *Force*, for which see *Desorceor*, see *Fresh-disseisin*, *Redisseisin*, and *Post-disseisin.* See also *Skene de verbor. signif. verbo Disseisina.* How many ways it is committed, see *Fleta*, *lib.* 4. *cap.* 1. *sect. sit autem*, &c. and when it is lawful, *cap.* 2. Wrongful *Disseisin* is no Descent in Law. 32 H. 8. *cap.* 33.

Disseisire, To *Disseise*, Eject, or turn out of Possession. ——— *Rex Richardus primus* disseisivit Gerardum de Camvilla de Castello & *vicecomitatu* Lincolnienſi. Paroch. Antiq. *p.* 152.

Disseisor, Is he that putteth another out of his Land, and *Disseisee* is the Person so put out. 4 H. 4. *cap.* 7.

Disseisoress, Is a Woman that *disseiseth* another. *Co. on Lit. fol.* 357. *b.*

Disseisin upon Disseisin, Is where a *Disseisor* is *disseised* by another.

Distress, Signifies a Compulsion in certain real Actions, whereby to bring a Man to appear in Court, or to pay a Debt or Duty deny'd: The Effect whereof most commonly is to drive the Party *distrained* to replevy the *Distress*, and so to take his Action of Trespass against the *Distrainer*, or else to compound neighbourly with him for the Debt or Duty for which the *Distress* was made. In what Case a *Distress* is lawful, see *New Terms of the Law.* The *Civilians* call it *Pignorum captionem*: There are divers Things not *distrainable*, as another Man's Gown in the House of a Tailor, or Cloth in the House of a Fuller, Sheerman, or Weaver: For they, being common Artificers, it is presumed such Things belong not to themselves, but to others. *Victual* is not *distrainable*, nor *Corn* in Sheaves, unless they be in a Cart: For a *Distress* ought to be of such Things whereof the Sheriff may make Replevin, and deliver again in as good Case as they were at the Time of the Taking. A Man may *distrain* for Homage of his Tenant, or Fealty, Escuage, and other Services, and for *Fines*, and Amerciaments, assessed in a Leet, (but not in a Court-Baron,) and for Damage-feasant, &c. but not for Rent due for any Land, except upon the same Land charged therewith, &c. When one hath taken a *Distress*, it behoves him to bring it to the Common Pound, or he may keep it in an open Place, so that he gives Notice to the Party, that he (if the *Distress* be a Quick Beast,) may give it Food. See the Stat. *De districtione Scaccarii.* 51 *H.* 3.

Distress is by *Briton*, *cap.* 71. divided into *Personal* and *Real. Distress Personal* is made by *distraining* a Man's moveable Goods, and seising all the Profits of his Lands and Tenements, from the *Teste* or Date of the Writ, for the Defendant's Contempt, in not appearing to an Action brought against him, after he was summoned or attached; and the Issues so returned by the Sheriffs are forfeited to the King, and estreated into the *Exchequer.*

Distress Real is made upon immoveable Goods. This differs from an *Attachment*; for that it cannot be taken by any common Person without the Compass of his own Fee; except it be presently after the Cattle, or other Thing, are driven or born off the Ground, purposely to avoid the *Distress. Fitz. Nat. Br. fol.* 904. See *Attach*, and the Statute 17 *Car.* 2. *c.* 7.

Distress is also divided into *Finite* and *Infinite*: *Finite* is that which is limited by Law, how often it shall be made to bring the Party to Trial of the Action, as once, twice, &c. *Old Nat. Br. fol.* 43. *Distress Infinite* is without Limitation, until the Party come; as against a Jury, which refuseth to appear upon Certificate of Assise, the Process is *Venire facias*, *Habeas corpora*, and *Distress Infinite. Old Nat. Br f.* 113. Then it is divided into a *Grand Distress*, (*An.* 52. *H.* 3. *c.* 7.) which *Fitzherbert* calls *Magnam Districtionem*, and an *Ordinary Distress.* A *Grand Distress* is that which is made of all the Goods and Chattels that the Party hath within the County. *Briton*, *cap.* 26. *fol.* 52. But see whether it be not sometimes *all one* with a *Distress Infinite. Idem*, *fol.* 80. with whom also the Statute of *Marlbridge* seems to agree. *An.* 52. *H.* 3. *cap.*

cap. 7, 9, & 12. See *Grand Diſtreſs* and *Attachment.*

Diſtrict (*Diſtrictus*) is the Place in which a Man hath the Power of *Diſtraining*, or the Circuit or Territory wherein one may be compelled to appear. *Briton, cap.* 120. Where we ſay, *Hors de ſon fee*; others ſay, *Extra diſtrictum ſuum.*

Diſtrictiones, *Diſtraints*, or Goods *Diſtrained*, or *Diſtreſſes*, kept in Cuſtody till Payment and full Satisfaction be made. ——*Poſſunt Nos & Succeſſores noſtros & prædictas omnes terras* —— diſtringere *ad ſolutionem memoratam*, & diſtrictiones *retinere quouſque plenarie fuerit ſatisfactum.* Paroch. Antiq. p. 344.

Diſtringas is a Writ directed to the Sheriff, or any other Officer, commanding him to *diſtrain* one for a Debt to the King, *&c.* or for his not Appearance at a Day. See great Diverſity of this Writ in the *Table of Regiſter Judic. verbo Diſtringas.* This was ſometimes of old called *Conſtringas*, as appears by this Writ. *Lib. Ramiſ. ſect.* 227. Henricus *Rex Anglia hominibus Abbatis de* Rameſia *ſalutem. Præcipio quod cito & juſte reddatis Abbati Domino veſtro, quicquid ei debetis in cenſu, & firma, & debitis, & placitis, ſicut juſte monſtrare poterit quod ei debeatis. Quod ſi nolueritis, ipſe vos inde* conſtringat *per pecuniam veſtram. Teſte Cancellar. apud Glouceſter.* By *Pecuniam veſtram*, in thoſe Days, was underſtood *Bona & catalla.*

Divadiatus, *i. e.* a Thing given in Pledge. 'Tis often mentioned in *Domeſday*, viz. *Si abierit domum non apprehenſus vel* Divadiatus. *Gale*, 760. So in *Leg. H.* 1. *c.* 57. *Niſi quis retentus vel* Divadiatus *ſit vel plegiatus pro culpa ſua, &c.*

Divel on the Neck. A tormenting Engine formerly in uſe among the proſecuting Papiſts, to extort Confeſſion and Apoſtacy from the Poor Lollards. It is thus deſcribed by Mr. *Fox* in his *Acts & Mon. ſub R. H.* 8. *Certain ſtrait Irons called the* Divel on his Neck *being after an horrible ſort deviſed, ſtraitning and winching the Neck of a Man with his Legs together, in ſuch ſort as the more he ſtirreth in it, the ſtraiter it preſſeth him, ſo that within three or four Hours, it breaketh and cruſheth a Man's Back and Body in Pieces.*

Dividend in the Exchequer, Seems to be one Part of an Indenture. *An.* to *E.* 1. *c.* 11. & 28 *E.* 1. *Stat.* 3. *c.* 2.

Dividend in the Univerſity, Is that Share or Part which every one of the Fellows do juſtly and equally divide among themſelves of their Annual Stipend.

Dividenda, The Word was anciently uſed for Indenture. *Claus.* 6. *Ed.* 2. *in Dorſo. M.* 24. and *Stat. de Eſcuetoribus* 29 *Ed.* 1. ——

Diviſa ſignifies a *Deviſe* of Goods by a laſt Will, and ſometimes a Will it ſelf. *Gervaſ. Dorob.* writing of the Will of *Henry* II. *Anno* 1182. tells us, *Notum facio quod apud Waltham feci* diviſam *meam de quadem parte pecuniæ meæ in hunc modum, &c.* Sometimes 'tis taken for a Charity given by a laſt Will; as in *Eadmerus, lib.* 1. *p.* 8. *Huic quadem vice ſolidi quinque de illis* (*nam* Diviſæ *per temporum vices conferebantur*) *ex præcepto ejus dati ſunt, &c.* Sometimes it ſignifies a Parcel or Portion of Land deviſed by a laſt Will, or ſet apart, *Diviſis Limitibus.* Leg. Inæ, cap. 44. *Ceorli habeant herbagium in Communi, vel aliam compaſcualem terram vel* Diviſam *claudendam.* Sometimes 'tis taken for the Bounds of a Place or Farm, as in *Leg. H.* 1. *c.* 57. *Si inter compares vicinos utrinque ſint querelæ, conveniant ad* diviſas *terrarum.* And ſometimes it ſignifies an Award, as in *Leg. H.* 2. *c.* 9. *Omnis cauſa terminetur vel in Comitatu vel* diviſis *parium.*

Diviſæ, Diviſes or Bounds, *Diviſas perambulare*, to walk the Bounds of a Pariſh. —— *Ut ſupra terram unde calumpriata fuit, ipſa cum ſuis, ego vero cum meis ad* diviſas perambulandas *convenerimus.* Cartular. Rading. MS. f. 108. b. So is *Deviſa* uſed for the Borders or Limits of Diviſion between Lands, Pariſhes, or Countries, —— *Sic uſque Hetheneburn inter Akemanſtrete inter* deviſas *inter* com. Oxon. & Buck. Paroch. Antiq. pa. 324. Hence the *Deviſes*, or *Divizes*, a Town in *Wiltſhire*, ſituate on the Confine of the *Weſt-Saxon* and *Mercian* Kingdoms.

Diviſe. See *Deviſe.*

Divorce (*Divortium, a divertendo*) is a Separation of two *de facto* married together; of which there are two Kinds; one *a Vinculo Matrimonii*; the other *a Menſa & Thoro.* The Woman *divorced a Vinculo Matrimonii*, receives all again that ſhe brought with her. This only ariſes upon a Nullity of the Marriage, through ſome eſſential Impediment, as Conſanguinity or Affinity within the Degrees forbidden, Precontract, Impoteney, *&c.* Of which Impediments the Canon Law allows fourteen, comprehended in theſe Verſes:

Error, Conditio, Votum, Cognatio, Crimen,
Cultus, Diſparitas, Vis, Ordo, Ligamen, Honeſtas,
Si ſis affinis, Si forte coire nequibis,
Si Paro.hi & duplicis deſit præſentia teſtis,
Raptave ſit mulier, nec parti reddita tutæ.

Divorce is a Judgment Spiritual; wherefore, if there be Occaſion, it ought to be reverſed in the Spiritual Court. See *Coke. lib.* 7. *Kenne*s Caſe. *Idem, lib.* 5. *f.* 98. and on *Littl. f.* 235.

In the old Law, the Woman *divorced* was to have of her Husband a Writing (as St. *Jerome* and *Joſephus* teſtify) to this Effect, *I promiſe, that hereafter I will lay no Claim to thee*; which was called, *A Bill of Divorce.*

Diurnalis, as much Land as can be plowed in a Day with one Ox; an Acre of Land. In ſome Authors 'tis wrote *Diuturna. Similiter concedi duas* Diuturnas *telluris.*

Dobuni, *Glouceſterſhire* and *Oxfordſhire*, or the Inhabitants of that Part of *Oxfordſhire* next *Glouceſterſhire.*

Docket, Is a Brief in Writing, *Anno* 2 & 3 *P. & M. cap.* 6. *Weſt.* writeth it *Dogget*, by whom it ſeemeth to be ſome ſmall Piece of Paper or Parchment, containing the Effect of a larger Writing. *Symbol. part.* 2. Tit. *Fines, ſect.* 106.

To do Law, *Facere Legem*, Is the ſame with to make Law. 23 *Hen.* 6. *cap.* 14. See *Make.*

Doctor and Student, Is a Book containing certain Dialogues between a *Doctor* of Divinity, and a *Student* at the Common Law, wherein are contained Queſtions and Caſes, as well of the Equity and Conſcience uſed in the Common Law, as alſo a Compariſon of the Civil, Canon, and Common Law together, very worthy the Reading. The Author is ſaid to be one *Saint German*, and the Book was written in the Time of *Henry* the Eighth.

Dog-daps are Sixty-four in all, *a tertio Idus Julii usque in Idus Septembris.*

Dog-draw, Is an apparent Deprehenſion of an Offender againſt Veniſon in the Foreſt. There be four of theſe mentioned by *Manwood* in his *Foreſt-Law*, *cap.* 18. *num.* 9. *viz. Stable-ſtand, Dog-draw, Back-bear*, and *Bloody-hand*; where he ſaith, That, *Dog-draw* is where any Man hath ſtricken or wounded a wild Beaſt, by ſhooting at him either with Croſs-bow, Long-bow, or otherwiſe, and is found with a Hound, or other *Dog drawing* after him to receive the ſame.

Dogger, A Kind of a little Ship. *Anno* 31 *Ed.* 3. *Stat.* 3. *cap.* 1. All the Ships called Doggers and Landſhips, &c.

Dogger-fiſh, (*Ibidem*, *cap.* 2.) Seems to be Fiſh brought in thoſe Ships to *Blackneſs-Haven*, &c.

Dogger-Men, (25 *Hen.* 8. *cap.* 4.) Fiſhermen that belong to Dogger-ſhips.

Doggit. See *Docket.*

Doitkin, A baſe Coin prohibited by 5 *H.* 5. *cap.* 1. Hence probably we retain that Phraſe when we would undervalue a Man, to ſay, *He is not worth a* Doit *or* Doitkin.

Dole (*Dola*, Sax. *Dœl*, *Pars*, *portio*, from *Delan*, *Dividere*, *Diſtribuere*) is a Part or Portion moſt commonly of a Meadow, ſo called to this Day; as *Dole-Meadow*, (*Anno* 4 *Jac. cap.* 11.) where ſeveral Perſons have Shares. *In le Suthmede* (*i. e. prato auſtrali*) *habet Prior per ſortem illam quæ vocatur* Crumdpreſt, *tres* Dolas, *ſicut ſors illa cadit. Et in qualibet* Dola, *habet* 4 *Polas, ſive octo andenas* (*i. e.* Swaths) *jacentes ſimul.* Lib. Priorat. Dunſtable, cap. 5. We ſtill retain the Word to ſignify a Share, as to deal a *Dole*; he dealt his *Dole* among ſo many poor People, that is, he gave every one a Share or Part.

Dolefiſh, Seems to be that *Fiſh*, which the Fiſhermen yearly imploy'd in the North-ſeas, do of Cuſtom receive for their Allowance. See the Stat. 35 *H.* 8. *cap.* 7.

Dolg-bote, A Recompence made for a Scar or Wound, Sax. *Diction. Inter Leg. Aluredi Regis*; *cap.* 23. *legiter* Dolgbot.

Dom and Som, Words uſed in ancient Charters, ſignifying a Power of Judging, and Security in Poſſeſſing. See *Doom.*

Domboc, A *Saxon* Word ſignifying *Liber Judicialis* as appears by the Laws of King *Edward* the Elder, *cap.* 8. This was probably a Book of Statutes proper to the *Engliſh Saxons*, wherein perhaps the Laws of former *Saxon* Kings were contained: That Chapter ſeeming to refer to the Laws of King *Ina*, *cap.* 29.

Dome, or Doom, (Saxon *Dom*,) a Judgment, Sentence, Ordinance, or Decree. The Homager's Oath in the *Black Book of* Hereford, *fol.* 46. ends thus, ——So help me God at his Holy Dome, and by my Trowthe. See *Doom.*

Domesday, (*Liber Judiciarius, vel Cenſualis Angliæ*, from the Saxon *Dom*, i. e. *Cenſus vel Æſtimatio*, not *Domeſdei*, nor *Domus Dei*, as ſome Authors write it,) is a moſt ancient Record, made in *William* the Conqueror's Time, and now remaining in the *Exchequer* fair and legible, conſiſting of two Volumes, a greater and a leſs; the greater comprehending all the Counties of *England*, except *Northumberland*, *Cumberland*, *Weſtmorland*, *Durham*, and Part of *Lancaſhire*, which were never ſurvey'd; and except *Eſſex*, *Suffolk*, and *Norfolk*, which three are comprehended in the leſſer Volume, which concludes with theſe Words; *Anno Milleſimo Octogeſimo Sexto ab Incarnatione Domini, vigeſimo vero Regni Willielmi, facta eſt iſta deſcriptio, non ſolum per hos tres Comitatus, ſed etiam alios.* It is called *Liber Judiciarius, quia in eo totius Regni deſcriptio diligens continetur, ſingulorumque fundorum valentia exprimitur.* And *Domeſday*, (as *Gerv. Tilbur.* ſays,) *Non quod in eo de propoſitis aliquibus dubiis feratur ſententia, ſed quod a prædicto* Judicio *non liceat ulla ratione diſcedere.* It was begun by five Juſtices, aſſigned for the Purpoſe in each County, in the Year 1081, and finiſhed 1086. *Cambden* calls it *Gulielmi Librum Cenſualem*, the Tax-book of King *William.* See more of it in *Spelm. Gloſſ.* and 4 *Inſt. fol.* 269. The Dean and Chapter of *York* have a Regiſter called alſo *Domeſday*; ſo has the Biſhop of *Worceſter:* And there is an ancient Roll in *Cheſter-Caſtle* called *Domeſday-Roll.*

Our Anceſtors had many *Dome-Books:* We are told by *Ingulphus*, *pag.* 870. and 908. that King *Alfred* made *Talem Rotulum qualem Gulielmus nothus*, which he called *Domeſday*; and ſometimes the *Winchester-Roll*, becauſe it was kept there.

The *Domeſday-book* made by *Will.* 1. referred to the Time of *Edward* the Confeſſor, as that of King *Alfred* did to the Time of *Æthelred:* For the Entries are thus made, *C. tenet Rex Willielmus in dominico & valet, &c. ibi carucatæ, &c.* T.R.E. *valebat, &c. i. e.* It was worth ſo much, *tempore Regis Edwardi.* And this Book is called *Magna Rolla Winton.*

The third Book, which differs from the other in Form more than in Matter, was made by the Command of the ſame King. The one being large, and in *Folio*, but this leſſer, and in *Quarto*; it ſeems to be the more ancient of the two. 'Tis fairer written, and hath very few Raſures. See *Monaſticon*, 1 *Tom. pag.* 272.

'Tis probable *Ingulphus*, though he lived near thoſe Days, never ſaw theſe Books; for he writes of incorporating theſe Rolls, as if at that Time they had not been made up in two Volumes: Of both which the Honourable Sir *John Trevor*, Maſter of the Rolls, hath a very fine and exact Copy.

There is a fourth Book kept in the *Exchequer*, which is called *Domeſday*; and though a great Volume, is only an Abridgment of the other two. It hath many Pictures and gilt Letters in the Beginning, which refer to the Time of *Edward* the Confeſſor. And this led him, who made *Notes* on *Fitzherbert's Regiſter*, into a Miſtake, who, in *fol.* 14. tells us, that *Liber* Domeſday *factus fuit tempore Regis Edwardi.*

There is a fifth Book kept in the *Remembrancer's* Office, which is the very ſame with the Fourth beforementioned.

'Tis generally known that the Queſtion, whether Lands are ancient Demeſne, or not, is to be decided by the *Domeſday* of *Will.* 1. from whence there is no Appeal; nor is there any Averment to be made againſt it: And 'tis a Book of that Authority, that even the Conqueror himſelf ſubmitted ſome Caſes, wherein he was concerned, to be decided by it. What is contained in this Book appears by theſe old Verſes.

Quid deberetur fiſco, quæ, quanta Tributa,
Nomine quid Cenſus, quæ vectigalia, quantum
Quiſque teneretur feodali ſolvere jure,

Qui ſunt exempti, vel quos Angaria damnat,
Qui ſint vel Glebæ ſervi, vel Conditionis,
Quove manumiſſus patrono jure ligatur.

Domeſmen, Judges, or Men appointed to doom and determine Suits or Quarrels. ——— *Qui infra libertatem ſeu hundredum de* Irchenfeld com. Hereſ. *faciunt ſectam ad curiam Hundredi, ut minores lites dirimant, vocantur* Domeſ-men, *i. e. Judices ſeu Homines Judiciarii.* See *Sil. Taylor* of *Gavelkind.* p. 110. Hence *falling of Domes* is the *Scotch* Phraſe for reverſing of Judgment, or annulling of Decrees. Hence, *Domer judicium*, and *eg-deme*, I *Deem* or Judge.

Domicellus and Domicella, *John* of *Gaunt*, Duke of *Lancaſter*, had by *Katharine Swinford*, before Marriage, four Illegitimate Children, *viz. Henry*, *John*, *Thomas*, and *Joan*; and becauſe they were born at *Beaufort* in *France*, they were vulgarly called *Henry de Beaufort*, *&c. John* before 20 *Rich.* 2. was Knighted, and *Henry* became Prieſt. At the Parliament holden 20 *Rich.* 2. the King by his *Charter* did legitimate theſe Children. *Rex*, ——*Chariſſimis conſanguineis noſtris nobilibus viris Johanni Militi, Henrico Clerico, Thomæ* Domicello *ac dilectæ nobis nobili mulieri Johannæ* Domicellæ, *Germanis præchariſſimi Avunculi noſtri, Joh. Ducis Lanc. natis ligeis noſtris, ſalutem, &c. Teſte Rege apud Weſtm. 9. die Febr. per ipſum Regem in Parliamento.* In this Act (ſays Sir *Edward Coke*, 4 *Inſt. fol.* 37.) the ſaid *Thomas* could not be called *Eſquire*, and therefore had the Addition *Domicello*, which (ſays he) ſignifies a young Soldier not yet Knighted, or nobly born, *&c.* which is a Miſtake: For there is no ſuch *French* Word as *Domoicel*, but *Demoiſel.* Nor can *Domicellus* properly be derived from thence, but is an obſolete *Latin* Word, anciently given as an Appellation or Addition to the King's (Natural) Sons in *France*, and ſometimes to the eldeſt Sons of Noblemen there; whence, doubtleſs, we borrow the Words. See *Spelm. Gloſſ. verbo* Domicellus. *Tidemannus permiſſione Divina Wigorn. Epiſcopus dilecto in Chriſto filio Johanni de Fulwode noſtræ Diœc.* Domicello, *ſalutem.* ———*Dat.* 7 *Febr.* 19 *Rich.* 2. Here it is uſed to a private Gentleman, as Lord of a Manor. ——— *Sed nos indiſcrete de pluribus Dominis, quia Barones vocamus* Domicellos, *Angli vero nullum niſi natos Regum, &c.* Hoveden, f. 347. n. 50.

But *Domicelli* are only the better Sort of Servants, as appears by *Thorn. fol.* 1748. Domicellus *Abbatis*, and *Domicelli & Servientes Monaſterii*, pag. 1990.

Domigerium, Damage, Danger, ———*Vitam ſuam in laboribus variis ducens cum* Domigerio *magno mendicando.* Hiſt. Elien. *apud* Whartoni Angl. Sac. P. 1. p. 652. *Credebant Londinenſes quod per hæc dona* Domigerium *evaſiſſent.* Walſingh. 1392. *Emolumentum Regi accrevit &* Domigerium *ad populum.* Knighton, Anno 1352. In another Place 'tis taken for Power over another; *Sub* domigerio *alicujus vel manu eſſe.* Bract. lib. 4. tract. 1. cap. 19. par. 2.

Domina, A Title given properly to thoſe honourable Women, who in their own Right of Inheritance held a Barony. So *Maud* the Daughter of *Robertus de Oilly ſen*, who inherited the Honour of *Walingford*, was therefore ſtiled *Matildis Domina de Walingford.* Paroch. Antiq. p. 78.

Dominica in Ramis Palmarum, Is *Palm-Sunday*, ſo called, becauſe on that Day they uſed to diſtribute Branches of *Palm* and other green Boughs in Commemoration of our Lord's Riding to *Jeruſalem*, and the People cut *Palm* Boughs, *&c.* to ſtrew in the Way, crying *Hoſanna. Md. quod ego Henricus de Erdington feci Homagium & Fidelitatem Domino Will. de Stafford apud Bromſhulf in Com. Staff. die Mercurii prox. ante* Dominicam in Ramis Palmarum, *Anno Regni Regis Edw. xxviii. pro terris & tenementis quæ teneo in Villa de Hunſtanſcot in Com. War, &c.*

Dominicum, Demain, or Demeſne, *Terra dominicalis.* Lands not rented to Tenants, but held in Demeſne, or in the Lord's own Uſe and Occupation. *Antiquum Dominicum Regis*, the King's antient Demeſne, are ſuch Royal Manors as were reſerved to the Crown, to yield Proviſion for the King's Houſhold, and ſo let out in Socage for *Farms* or Victuals, or in Serjeanty for ſome Domeſtic Services: but not diſpoſed of to Barons or Knights to be held by any Feudatory or Military Service. See *Demain.*

Dominium, Right or Legal Power.——— *In ſilva dicti manerii ſive* Dominii *de* Pidintona, *aut infra præcinctum ejuſdem, non habent aliqui extranei* dominium *aliquo modo in parte vel in toto ſe intromittere.* Paroch. Antiq. p. 498.

Dominus, In antient Times being prefixed to a Name, uſually denoted him a Knight, or a Clergyman. For ſo we find it often in Charters, with *His Teſtibus Domino* Edwardo *de Sancto Mauro*, Willielmo———, *&c.* Howbeit, I think ſometimes that Title was given to a Gentleman of Quality, tho' not a Knight, eſpecially if he were Lord of a Manor.———

Domo Reparanda, Is a Writ for one againſt his Neighbour, by the Fall of whoſe Houſe he feareth Hurt to his own. *Reg. Orig. fol.* 153. In this Caſe the *Civilians* have the Action *de damno infecto.*

Domus Converſorum. See *Rolls.*

Domus Dei, The Hoſpital of St. *John* in *Jeruſalem.* So called in *Mon. Angl.* 2 *Part*, *fol.* 440.

Dona, Any Sort of Property, Good or Endowment.——— *Per captionem & retentione averiorum noſtrorum & aliorum* Donorum *quorumcunque ad noſtrum Monaſterium ſpectantium.* Cartular. Abbat. Glaſton. MS. f. 48.

Donative, Is a Benefice merely given and collated by the Patron to a Man, without either Preſentation to the Ordinary, or Inſtitution by the Ordinary, or Induction by his Commandment. *F. N. B. fol.* 35. Of this *Petr. Gregor. de benefic. cap.* 11. *nu.* 1. hath theſe Words, *Si tamen capellæ fundatæ per Laicos non fuerint a Diœceſano approbatæ & (ut loquuntur) Spiritualizatæ, non cenſentur Beneficia, nec ab Epiſcopo conferri poſſunt, ſed ſunt ſub pia diſpoſitione fundatoris.* And Mr. *Gwin* in the *Preface of his Reading*, ſaith, That as the King might of ancient Times found a Free Chapel, and exempt it from the Juriſdiction of the *Dioceſan*; ſo he might alſo by his Letters Patent licenſe a common Perſon to found ſuch a Chapel, and to ordain, that it ſhall be *Donative*, and not preſentable, and that the Chaplain ſhall be deprivable by the Founder and his Heirs, and not by the Biſhop; and this is moſt likely to be the Original of theſe *Donatives* in *England. Fitzherbert* ſaith, That there be ſome *Chantreys* which a Man may give by Letters Patent. *Nat. Brev.* 33. 42. All Biſhopricks were in antient Time *Donative* by the King. *Co. lib.* 3. *fol.* 75.

Donor and **Donee**, *Donor*, Is he who gives Lands or Tenements to another, and he to whom the same is given is the *Donee*.

Doom or **Dome**, Saxon *Dom*, A Judgment, Sentence, Ordinance or Decree; also Sense or Signification. *Substantiva quædam* (says Mr. *Somner*) *exeunt in* Dom, *ubi compositionis gratia videtur appositum, & quandoque munus denotat vel* Officium, *item* Ditionem & Dominium, *ut in* Kingdom, Earldom, *&c.*——— *Habeat Girthbriche & Forstal, & Dom, & Som, & Wreche in Mari.* Mon. Angl. 1. par. fol. 284. a. See *Oath*.

Dorchester. See *Durnovaria*.

Dorobernia. *Canterbury*.

Dorsale, A Cloth or Curtain, hanging in the Choire, so called because *Sedenti ad dorsum appenditur*.

Tresque dedit cappas, dorsalia *plura, tapetas*.

Dorsile. See *dorsale*.

Dorture, *Dormitorium*, *Anno* 25 *H.* 8. *cap.* 11. is the common Room, Place or Chamber, where all the Friars of one Convent slept and lay all Night.

Dosens, Streight Cloaths made in *Devonshire*, and so called in *Rot. Par.* 2 *Hen.* 5.

Dossale, **Dorsale**, Hangings, Tapestry.——— *Dederat ei duo* dorsalia *honesta*. Rog. Hovenden *sub ann* 954.——— Dossale *sive tapesium*——— Mat. Par. *in vit. Abb. S.* Albani.

Dote Assignanda, Is a Writ that lay for a Widow, where it was found by Office, That the King's Tenant was seised of Tenements in Fee or Fee-tail, at the Day of his Death; and that he held of the King in Chief, *&c.* In which Case, the Widow came into the *Chancery*, and there made Oath, That she would not marry without the King's Leave. *Anno* 15 *Edw.* 3. *cap.* 4. And hereupon she had this Writ to the Escheator, for which, see *Reg. of Writs*, *fol.* 297. and *F. N. B. f.* 263. These Widows are called the *King's Widows*. See *Widow*.

Dote unde nihil habet, Is a Writ of Dower, that lieth for the Widow against the Tenant, which bought Land of her Husband in his Life-time, whereof he was seised solely in Fee-simple or Fee-tail, in such Sort as the Issue of them both might have inherited it. *F. N. B. fol.* 147. *Regist. fol.* 170.

Dotis admensuratione. See *Admeasurement*, and the *Reg. Orig. fol.* 171.

Double Plea, (*Duplex Placitum*) Is that wherein the Defendant alledgeth for himself two several Matters in *Bar* of the Plaintiff's Action, whereof either is sufficient to effect his Desire, which shall not be admitted for a Plea. As, if a Man alledge several Matters, the one nothing depending upon the other, the *Plea* is accounted *Double*, and not admittable; but, if they be mutually depending each of other, then it is accounted single. *Kitchin, fol.* 223. See *Brook, hoc tit.* And Sir *Tho. Smith* gives this Reason why such *Double Plea* is not admitted by our Law; because the Trial is by twelve rude Men, whose Heads are not to be troubled with over many Things at once. *Lib.* 2. *de Rep. Angl. cap.* 13.

Double Quarrel, *Duplex Querela*, Is a Complaint made by any Clerk, or other, to the Archbishop of the Province against an inferior Ordinary, for delaying of Justice in some Cause Ecclesiastical, as to give Sentence, to institute a Clerk presented, or the like: The Effect whereof is, that the said Archbishop taking Knowledge of such Delay, directeth his Letters under his authentick Seal, to all and singular Clerks of his Province, thereby commanding and authorising them; and every of them, to admonish the said Ordinary, within a certain Number of Days, namely, nine Days, to do the Justice required, or otherwise to cite him to appear before him or his Official at a Day, in the said Letters prefixed, and there to alledge the Cause of his Delay. And lastly, to intimate to the Ordinary, that if he neither perform the Thing enjoined, nor appear at the Day assigned, he himself will without further Delay proceed to perform the Justice required: And this seemeth to be termed *a double Quarrel*, because it is most commonly made against both the Judge, and him at whose Petition Justice is delayed.

Doubles, (*Anno* 14 *H.* 6. *cap.* 6.) Signify as much as Letters Patent, being a *French* Word made of the Latin *Diploma*.

Dover. See *Dubris*.

Douze Peers, Were twelve Peers in *Henry* the Third's Time, who were appointed at the Instance of the Barons, to be as Privy Counsellors to the King, or rather *Conservators* of the Kingdom.

Dow, To give, from the Latin, *Do*.

Dowager, (*Dotissa*) A Widow endowed, or that hath a Jointure; a Title or Addition, applied to the Widows of Princes, Dukes, Earls, and Persons of Honour only.

Dowcates, The same with *Dovecotes*.

Dower, (*Dos* and *Dotarium*) The first (*Dos*) properly signifies that which the Wife brings her Husband in Marriage, otherwise called *Maritagium*, Marriage-Goods: The other, (*Dotarium* or *Doarium*) that Portion of Lands or Tenements which she hath for Term of her Life from her Husband, if she out-live him. *Glanvile, lib.* 7. *cap.* 1. *Bracton, lib.* 2. *cap.* 28. *Briton, cap.* 101. *in Princip.* Some Authors have for Distinction, called the First a *Dowry*, and the others a *Dower*, but they are often confounded. Of the former our Law-Books speak little, this only may be noted; That whereas by the Civil Law, Instruments are made before Marriage, which contain the Quantity of the Wife's *Dowry*, or Substance brought to her Husband, that he, having the Use of it during Marriage, may, after certain Deductions, restore it again to the Wife's Heirs or Friends, after the Marriage dissolved. The Common Law of *England*, whatsoever Chattels, Moveable or Immoveable, or ready Money she brings, makes them forthwith her Husband's own, to be disposed of as he will, leaving her at his Curtesy, to bestow any Thing or Nothing upon her at his Death: Only if she be an Inheritrix, the Husband holds her Land but during her Life, except he have Issue by her; and then he holds it by the *Curtesy of* England, during his own Life. See *Curtesy*. Of the later, there are five Kinds, *viz.*

1. Dower *per Legem Communem*.
2. Dower *per Consuetudinem*.
3. Dower *ex Assensu Patris*.
4. Dower *ad Ostium Ecclesiæ*.
5. Dower *de la plus Belle*.

Dower by the Common Law is a third Part of ſuch Lands, as the Husband was ſole ſeiſed of in Fee, during the Marriage, which the Wife is to enjoy during her Life; for which there lies a Writ of *Dower*. *Dower by Cuſtom* gives the Wife, in ſome Places, half her Husband's Lands, ſo long as ſhe lives ſole, as in *Gavelkind:* And as *Cuſtom* may enlarge, ſo may it abridge *Dower*, and reſtrain it to a fourth Part: *Ex Aſſenſu Patris, ad Oſtium Eccleſiæ*, the Wife may have ſo much *Dower*, as ſhall be ſo aſſigned or agreed upon, but it ought not to exceed a third Part of the Husband's Lands. *Glanv. lib. 6. cap.* 1. And if it be done before Marriage, it is called a *Jointure. Dower de la plus Belle* is when the Wife is endowed of the *faireſt* or beſt Part of her Husband's Eſtate. See *Coke on Littl. fol.* 33. *b. Romanis non in uſu fuit uxoribus* Dotes *retribuere, ideo verbo genuino carent quo hoc dignoſcitur*; *& rem ipſam in Germanorum moribus miratur* Tacitus, *Dotem (inquit) non uxor marito, ſed uxori maritus affert.* Spelm.

To the Conſummation of *Dower* three Things are neceſſary, *viz. Marriage, Seiſin*, and the *Husband's Death. Bingham's Caſe, 2 Rep.* If the Wife be paſt the Age of nine Years at the Death of her Husband, ſhe ſhall be endowed. If a Woman elope, or go away from her Husband with an Adulterer, and will not be reconciled, ſhe loſeth her *Dower*, by the Stat. of *Weſt.* 2. *cap.* 34. 2 *Part. Inſt. fol.* 433.

Cambden, (in his *Brit.* Tit. *Suſſex*) relates this memorable Caſe, (out of the Parl. Records. 30 *Edw.* 1.) Sir *John Camois*, Son of the Lord *Ralph Camois*, of his own free Will, gave and demiſed his own Wife, *Margaret*, Daughter and Heir of *John de Gateſden*, unto Sir *Will. Panell*, Knight; and unto the ſame *William*, gave, granted, releaſed and quit-claimed all her Goods and Chattels, &c. So that neither he himſelf, nor any Man elſe in his Name, might make Claim, or ever challenge any Intereſt in the ſaid *Margaret*, or in her Goods and Chattels, &c. By which Grant, when ſhe demanded her *Dower* in the Manor of *Torpell*, Part of the Poſſeſſions of Sir *John Camois*, her firſt Husband, then deceaſed, there grew a memorable Suit in Law, but wherein ſhe was overthrown, and Judgment pronounced (in Parliament 30 *Edw.* 1.) *That ſhe ought to have no* Dower *from thence*, upon the Stat. of *Weſt.* 2. *Quia receſſit a marito ſuo in vita ſua, & vixit in Adulterio cum prædicto Gulielmo*, &c. This Caſe is cited alſo in 2 *Inſt. fol.* 435.

Of Dower, read *Fleta*, who writes largely and learnedly of it, *Lib.* 5, *cap.* 22. *& ſeq.*——

Among the *Jews*, the Bridegroom, at the Time of the Marriage, gave his Wife a *Dowry-Bill*, the Form whereof you may ſee in *Moſes and Aaron, pag.* 235.

Dowle and Deal, A Diviſion; from the Brit. *Dal, diviſio*, from the Sax. *Dælan, i. e. dividere*, and from thence comes the Word *Dealing*. So the Stones which are laid to the Boundaries of Lands, are called *Dowleſtones, i. e.* ſuch which divide the Lands.

Dowſeines, A Sort of *Kerſeys* made in *Devonſhire*, in Length twelve Yards.

Dozein, *Decenna*, In the Statute for View of *Frankpledge* made 18 *E.* 2. one of the Articles for Stewards in their Leets to enquire of, is, If all the *Dozeins* be in the Aſſiſe of our Lord the King, and which not, and who receive them. *Art.* 3. See *Deciners*. There is alſo a Sort of *Devonſhire* Kerſeys called *Dozens*, 5 & 6 *E.* 6. *cap.* 6.

Draca, A Drain.—— *Cum Triginta acris prati juxta dictum novum locum ex parte occidentali in* Dracca *juxta foſſatum de Redeclos jacentibus.*—— Contin. Hiſt. Croyland. p. 479. The Word is printed *Dracca*, but I think it a Miſtake for *Drana*.

Draco Regis, The Standard, Enſign, or Military Colours bore in War by our former Kings, having the Figure of a Dragon upon them.—— *Cum Rex* Angliæ *fixiſſet ſignum ſuum in medio, & tradidiſſet* Draconem *ſuum Petro de Portellis ad portandum* —— Rog. Hoved. *ſub anno* 1191. See *Watte's* Gloſſary.

Dragum, *Drag*, A courſer Sort of Bread-Corn.—— *Item reddit computum de duobus quarteriis avenæ de toto exitu grangiæ trituratis per ſummam, & de* xvii. *quarteriis & tribus buſſellis* Dragii *ſupra mixtis*—— *& triturabit buſſellos ordei vel* dragei *avenæ*—— Conſuetud. Domus de Farendon MS. *f.* 11. In *Staffordſhire* they now uſe a Sort of Malt made of Oats mixed with Barley, which they call *Dreg Malt*. And in *Eſſex*, &c. they have a Grain called *Dreg*, of which *Tho. Tuſſer* in his *Husbandry*, p. 32.

Sow Barley and Dreg *with a plentiful Hand,*
Leſt Weed ſted of Seed overgroweth thy Land,
Thy Dreg *and thy Barley go Threſh out to Malt.*

Dragg, *Anno 6 H. 6. cap.* 5. Seem to be Wood or Timber ſo joined together, that ſwimming or floating upon the Water, they may bear a Burden, or Load of other Wares down a River.

Drana, A Drain, or Water-courſe to ſew and empty wet Places. —— *Conceſſimus kunum illam quæ eſt juxta* dranam *quam* Walterus *Filius* Amfridi *tenuit.* Cartular. Abbat. Glaſton. *MS. f.* 29.—— *Illud pratum in Thiſtlemor quod eſt intra vetus foſſatum & nemus de* Godeſhall, *& inter* Dranam, *& riperiam de Avene cum tota criſta dicti foſſati.* Cartular. Abbat Radinges. MS. f. 10. a.

Draſcus, Grains, or the Refuſe of Malt after Brewing, called ſtill in ſome Places *Draines*, and *Draff.*—— *Et prebendam quotidianam ad duos equos de granario noſtro ſumendam, unum cribrum furfuris, & majorem cuvam de* Draſco, *i. e.* a great Basket of Grains. *Mat. Par. in Vit.* Abb. S. Albani.

Draw-Gere, Any Harneſs or other Furniture of Cart-Horſes for drawing a Waggon or other Carriage.—— *Pro factura de* Draw-Gere *per Walterum Carpenter de* Langton IIId. Paroch. Antiq. p. 549. See Mr. *Kennet's Gloſſary.*

Drawlatches, *Anno* 5 *E.* 3. *cap.* 14. and *Anno* 7 *R.* 2. *cap.* 5. *Lambard* in his *Eirenarcha, lib.* 2. *c.* 6. calleth them *Miching Thieves*, as Waſters and *Roberds* Men, *Mighty Thieves*, ſaying, That the Words be grown out of uſe.

Dreit-Dreit, Signifies a double Right, that is, *Jus Poſſeſſionis & jus Dominii.* Bract. *lib.* 4. *cap.* 27. *& lib.* 4. *tract.* 4. *cap.* 4 & 5. *tract.* 5. *cap.* 5. *Co.* on *Lit. fol.* 266.

Drenched, Is an obſolete Word, and ſignifies to overcome, from the German *Tringen, cogere.*

Drenches or **Drenges** (*Drengi*) were *Tenentes in Capite*, ſays an ancient MS. *Domeſday* Tit. Leſtreſc. Roger. Pictaviens. Neuton. *Hujus Manerii aliam terram* 15 *homines, quos* Drenches *vocabant, pro* 15 *Maneriis tenebant.* They were (ſays *Spelman*) *e genere vaſſallorum non ignobilium, cum ſinguli qui in Domeſd. nominantur, ſingula poſſiderent Maneria.* Such as at the Coming in of the Conqueror, being put

out of their Estates, were afterward upon Complaint unto him restored thereunto; for that they being before Owners thereof, were neither *in auxilio* or *consilio* against him: Of which Number were *Edwyne* a *Dane*, *Sharneburne* of *Norfolk*, and others. Sir *Edward Coke*, *on Littl. fol.* 5. *b.* says, *Drenchs* are Free-tenants of a Manor: Misprinted doubtless for *Drenches*, and not well interpreted. See *Baron. Angliæ*, *fol.* 118. *a.* . *In* Cukeney *manebat quidam homo*, *qui vocabatur* Gamilbere, *& fuit verus* Dreynghe *ante Conquestum*, *tenuit duas Carucatas terræ de Domino Rege in Capite*, *pro tali servicio*, *de ferrando Palifridum Dom. Regis*, *super quatuor pedes de cluario Dom. Regis quotiescunque ad Manerium suum de* Mansfeld *jacuerit*, *& si inclaudet Palefridum Domini Regis*, *dabit ei Palefridum quatuor Mercarum.* Mon. Angl. 2 Tom. fol. 598. a. In *Newtone* T. R. E. (*i. e.* in the Time of King *Edward*) *fuerunt quinque hidæ*, *modo sunt ibi sex Drenghs.* Domesday, Tit. *Derby.* Gale, 773.

Drengage, (*Drengagium*, *vel servitium Drengarii*,) The Tenure by which the *Drenches* held their Lands, of which see *Trin.* 21 *Ed.* 3. *Ebor.* and *Northumb. Rot.* 191. *Notandum est*, *eos omnes eorumve antecessores*, *qui e* Drengorum *tlasse erant*, *vel per* Drengagium *tenuere*, *sua incoluisse patrimonia ante adventum Normannorum.* Spelm.

Drie Exchange, (*Anno* 3 *Hen.* 7. *cap.* 5. *cambium siccum*) seems to be a cleanly Term, invented for the Disguising foul Usage; in which something is pretended to pass on both Sides, whereas in Truth nothing passeth but on the one Side, in which Respect it well may be called *Dry*. Of this *Lud. Lopes*, *tract. de Contract. & Negotiat. li.* 2. *cap.* 1. *Sect. Deinde postquam*, writes thus, *Cambium est reale vel siccum*; Cambium *reale dicitur*, *quod consistentiam veri* Cambii *realem habet*, & Cambium *per trans*, & Cambium *minutum.* Cambium *autem siccum est* Cambium *non habens existentiam* Cambii, *sed apparentiam ad instar arboris exsiccatæ*, *quæ humore vitali jam carens*, *apparentiam arboris habet*, *non existentiam.*

Drie Rent, Rent-seek. See *Rent.*

Drift of the Forest, (*Agitatio animalium in Foresta*) is an exact View or Examination what Cattle are in the Forest, that it may be known whether it be over charged or not, and whose the Beasts are; and, whether they are commonable Beasts, &c. When, how often in the Year, by whom, and in what Manner this *Drift* is to be made, see *Manwood*, *Part* 2. *cap.* 15. and 4 *Inst. fol.* 309.

Drinklean (Sax. *Drinc-lean*) in some Records written *Potura Drinklean*) is a Contribution of Tenants towards a Potation, or an Ale provided to entertain the Lord or his Steward; a *Scot-ale.*

Drofdennes, —— *Quod Dominus debet habere* Drofdennes *arbores de crescentia xl. annorum & infra.* Kanc. Pasch. 44 *Edw.* 3. *quære. Drofdenu. Druf* and *Drotten*, among our *Saxons*, signified a Grove, or woody Place, where Cattle were kept; and, the Keeper of them was called *Drosman. Domesday.*

Drofland, or **Dryfland**, (from the Sax. *Dryfene*, *i. e. Driven*) was anciently a Quit-rent, or yearly Payment made by some Tenants to the King or their Landlords, for *driving* their Cattle through the Manor to Fairs or Markets. Mr. *Philips*, *Mistaken Recompence*, *fol.* 39.

Droit, (Fr. *Droit*) In Law there are six Kinds of it, *viz.*

1. *Jus recuperandi.*
2. *Jus intrandi.*
3. *Jus habendi.*
4. *Jus retinendi.*
5. *Jus percipiendi.*
6. *Jus possidendi.*

All these several Sorts of *Rights*, following the Relations of their Objects, are the Effects of the Civil Law. *Vide Coke on Littl. fol.* 266. & 345. *b.* ——Of meer *Droit*, and very Right, *Anno* 27 H. 8. *cap.* 26.

Droit de Advowzen. See *Recto de Advocatione Ecclesiæ.*

Droit-close. See *Recto clauso.*

Droit de Dower. See *Recto dotis.*

Droit-patent. See *Recto patens* and *Calthrop's Rep. fol.* 132.

Droit sur disclaimer. See *Recto sur disclaimer.*

Droken, **Dru**, **Druff**, **Druften**, All, according to the Book of *Domesday*, signify a Thicket of Wood in a Valley.

Dromones, **Dromos**, **Dromunda**, At first these Words signified high Ships, but afterwards those which we now call Men of War, and in this Sense 'tis used in *Walsingham*, *Anno* 1292, in *Knighton Lib.* 3. *cap.* 14, &c. *Tres majores Naves subsequuntur*; *quas vulgo* Dromones *appellant*: *Galeæ vero leviores*, *& ad quælibet aptanda agiliores præcedunt.* Gaufrid. Vinesauf. Ric. Regis Iter Hierosol. c. 60. *Quum prospere versus Achon velificaret*, 8 *Idus Junii*, *apparuit ei navis quædam permaxima*, *quam* Dromundam *appellant*, *missa a Saladino.* Matt. Paris. *sub anno* 1191.

Droya, A Drove, a Drift-way, or Common Road for driving Cattle. ——*Walterus Cantuar. Archiepiscopus concessit ad vitam Magistro Michaeli de Bercham pasturas de la Rede & Haute juxta Bercham*, *cum omnibus suis juribus & pertinentiis*, drovis, *viis*, *semitis & fossatis.* Dat. 10. Kal. Sept. 1319. *Ex Registr. Ecclesiæ Christi Cantuar.* MS.

Druggeria, **Drogeria**, A Place of Drugs, a Druggster's Shop. —— *Quoddam Messuagium situm in vico Northlode inter tenementum quod fuit Wilhelmi de Scheftesbury Capellani & tenementum proxime* Druggeriam, *quod quidem tenementum*, &c. Chartular. Abbat. Glaston. MS. f. 125. a.

Duarum, **Doarium**, **Dotarium**, The *Dowry* or Jointure of a Wife settled on her in Marriage, to be enjoyed after her Husband's Decease. The Word *Dowrie*, is by *Fr. Junius*, rightly referred to the old *English*, to *Dowe*, i. e. *to give*, as *Chaucer*, *To whom for evermore my Heart I dowe.* See Mr. *Kennet's Glossary.*

Dubris. *Dover.*

Duces tecum, Is a Writ commanding one to appear at a Day in the *Chancery*, and to bring with him some Evidence, or other Thing that the Court would view. See the *New Book of Entries*, *verbo* Duces tecum. There is also another Kind of *Duces tecum* directed to a Sheriff, upon Return that he cannot bring his Prisoner without Danger of Death, he being *adeo Languidus*; then the Court grants a *Habeas Corpus* in the Nature of a *Duces tecum licet languidus.*

Duel, (*Duellum*) according to *Fleta*, *Est singularis pugna inter duos ad probandam veritatem litis*, *& qui vicerit*, *probasse intelligitur*, &c. *Stat. de Finibus levatis*, 27 *Edw.* 1. The Trial by *Duel*, *Combat* or *Camp-fight*, in doubtful Cases, is now disused, though

though the Law on which it was grounded be ſtill in Force. See 3 *Part Inſt. fol.* 221. and ſee *Combat. Per* libertatem habere Duellum, *Johannes Stanley Arm. clamat, quod ſi aliquis placitaverit aliquem de libero tenemento in Curia ſua de Aldford per breve Domini Comitis de recto patent. tenere & terminare prædictum placitum per* duellum, *prout jus eſt per Communem legem.* Plac. in Itin. apud Ceſtriam 14 Hen. 7.

Stephanus de Nerbona omnibus——— *Sciatis me dediſſe Willielmo filio Radulphi de Filungele pro homagio & ſervitio ſuo, & propter* Duellum *quod fecit pro me,*——*Duas virgatas terræ.*—— Sine Dat. MS. penes Will. Dugdale, Mil.

Duke, *Dux*, In antient Times among the *Romans* ſignified *Ductorem exercitûs*, ſuch as lead their Armies, who if by their Proweſs they obtained any famous Victory, they were by their Soldiers ſaluted *Imperatores*, as *Hotoman de verb.* Feudal. *verb.* Dux, proveth out of *Livy*, *Tully*, and others: Since that they were called *Duces*, to whom the King committed the Government of any Province, *Id.* In ſome Nations to this Day the Soveraigns of the Country are called by this Name, as *Florence*, or the great *Duke* of *Tuſcany*, *Duke* of *Milan*. In *England*, *Duke* is the next ſecular Dignity to the Prince of *Wales*. And (as *Cambden* ſays) Heretofore in the *Saxons* Times they were called *Dukes* without any Addition, being mere Officers and Leaders of Armies. After the Coming in of the *Conqueror*, there were none bore this Title till *Edward* the Third's Days, who made *Edward* his Son Duke of *Cornwall*. Since that there have been ſeveral made, whoſe Titles have deſcended by Inheritance to their Poſterity; they were created with Solemnity *per cincturam gladii, cappæq; & circuli aurei in Capite impoſitionem.* See *Cambd. Brit. pag.* 166. *Zazium de feudis*, pag. 4. num. 7. *Caſſan. de conſuet. Burgund.* pag. 6. 10. And *Ferne's Glory of Generoſity*, 139. At this Day we have many of theſe created *Dukes* in *England*, whoſe Titles are very well known to every Body.

Dumetium, (Latin *Dumetum*) a Ground full of Buſhes and Brambles. I have ſeen a Deed, granting (inter alia) *quoddam* Dumetium *in Dale.*

Dum fuit infra ætatem, Is a Writ which lies for him, that before he came to his full Age, made a Feoffment of his Land in Fee, or for Term of Life, or in Tail, to recover them again from him, to whom he conveyed them. *F. N. B. fol.* 192.

Dum non fuit compos mentis, Is a Writ that lieth againſt the Alience or Leſſee, for him that not being of ſound Memory, did alien any Lands or Tenements in Fee-ſimple, Fee-tail, for Term of Life, or for Years. *F. N. B. fol.* 202.

Dun, Dune, A Mountain or open Place: Therefore the Names of Towns which end in *Dun*, were either built on Hills, or near Hills in open Places.

Duna, A Bank of Earth caſt up, the Side of a Ditch—— *Faciet foſſatum adeo forte & bonum prout voluit, ita quod fundum a retro* Dunæ *utriuſq; foſſati ſit in fundo* 14 *pedum.* Cartular. Glaſton. MS. f. 75.

Dunio, A Sort of baſe Coin leſs than a Farthing, a *Double.*—— *Nec denarios invenerunt præter octo* Duniones *qui ſterlingos duos non valebant.*—Girald. Cambr. apud Whartoni Angl. Sacr. P. 2. p. 595.

Dunſon, A little Caſtle; *In illa villa Rex habet Caſtellum quoddam, ſupra Caſtellum autem unum* dungeonem. Du Cange.

Dunnarium, ——*Pateat*—— *quod ego Johannes de Mohun miles dedi Abbati & Canonicis de Nutle paſturam in omnibus brueris ſeu* Dunnariis *meis.* Dat. 29 Ed. 3. Penes Decan. & Capit. Eccl. Cath. Chriſti Oxon. It ſeems to ſignify a Down, a Hill, or Heathy Ground.

Dunſetts, Thoſe who dwell on Hills or Mountains, from the Sax. *Dun*, a Hill, and Sax. *Data*, an Inhabitant.

Dunſtable. See *Magioninium.*

Dunum ſinus, The Creek at *Dunsby* near *Whitby* in *Yorkſhire.*

Dunum and **Duna**, A *Down*, In which Termination (a little, in ſome, varied into *Don*) many Names of our Towns end, as *Aſhdown, Cleydon*, &c. *Domeſd.*

Duodena, A Jury of twelve Men. *Robertus Treſilian Juſticiarius*—— *apud S. Albanum convocari fecit* duodenam *quam pridie averraverat ad indictandum & prodendum Malefactores.* Tho Walſingham, p. 276.

Duodena manu. See *Friburgh*, and *Oath.*

Duplicat Is uſed by *Crompton*, for a ſecond Letters Patent, granted by the Lord Chancellor in a Caſe wherein he had formerly done the ſame, and was therefore thought void. *Cromp. Juriſdid. fol.* 215. Alſo a ſecond Letter written and ſent to the ſame Party and Purpoſe as a former, for Fear of Miſcarriage of the Firſt, or for other Reaſon, is called a *Duplicat.* Alſo any Copy or Tranſcript of a Writing is called a *Duplicat.* The Word is uſed 14 *Car.* 2. *cap.* 10.

Duplodes. See *Gambezon.*

Duplum, A Sort of Bread ſo called, made for the Monks.

Durden, A Thicket of Wood in a Valley.

Dureſs (*Duritia*) is, where one is kept in Priſon or reſtrained of his Liberty, contrary to the Order of Law, or threatned to be kill'd, maim'd or beaten: And if ſuch Perſon ſo in Priſon, or in Fear of ſuch Threats, make any Specialty or Obligation by Reaſon of ſuch Impriſonment or Threats, ſuch Deed is void in Law: And in an Action brought upon ſuch Specialty, the Party may plead, That it was made by *Dureſſe*; and ſo avoid the Action. *Broke*, in his *Abridgment* joineth *Dureſs* and *Manaſſe* together, i. e. *duritiam & minas*; Hardſhip and Threatnings.

Durnovarium, *Dorcheſter.*
Durobrovæ, *Rocheſter.*
Durolenum, *Lenham* in *Kent.*
Durolitum, *Oldford* upon *Lee*, in *Eſſex.*
Durotriges, *Dorſetſhire.*

Durſley, Blows without Wounding or Blood; *vulgo* Dry-blows, from the Germ. *Durre, ſiccus*, and Sax. *Slege, ictus.*

Duſty-foot, or *Duſty-Fatt*, A Foreigner, Trader, Pedlar, or travelling Merchant, who has no ſettled Habitation. So called becauſe their Feet in travelling are covered with *Duſt. Siquis extraneus Mercator tranſiens per regnum, non habens terram, vel manſionem infra Vicecomitatum, ſed vagans qui vocatur Pie poudreux, hoc eſt Anglice* Duſty-foot, &c. Hence the Court of *Piepowder* erected for Relief of ſuch Foreigners. See *Piepowder.*

Dutchy-Court Is a Court wherein all Matters appertaining to the Dutchy or County Palatine of *Lancaſter* are decided by the Decree of the *Chancellor* of that Court: The Original of it was in *Henry the Fourth's* Days, who, obtaining the Crown by Depoſing *Richard the Second*, and having the *Dutchy* of *Lancaſter* by Deſcent, in Right of his Mother, was ſeiſed thereof as *King*, and not as *Duke*; So that all the Liberties, Franchiſes and Juriſdictions of the ſaid *Dutchy*, paſſed from the King by his Great Seal, and not by Livery or Attornment as the Poſſeſſions of *Everwick*, the Earldom of *March*, and ſuch others did, which had deſcended to the King by other Anceſtors than the King's; but, at laſt, *Henry the Fourth*, by Authority of Parliament, paſſed a Charter, whereby the Poſſeſſions, Liberties, &c. of the ſaid *Dutchy* were ſevered from the Crown; yet *Henry the Seventh* reduced it to its former Nature, as it was in *Henry the Fifth's* Days. *Crom. Jur. fol.* 136.

The Officers belonging to this Court, are, the *Chancellor*, *Attorney*, *Receiver General*, *Clerk of the Court*, *Meſſenger*: Beſides which, there are certain Aſſiſtants, as one *Attorney* in the Exchequer, one *Attorney* of the *Dutchy* in Chancery, four Perſons learned in the Law retained of Counſel with the King in the ſaid Court; whereof *Gwin*, (in the Preface to his *Readings*) ſpeaks thus; *It grew out of the Grant of King* Edward the Third, *who gave that* Dutchy *to his Son* John of Gaunt, *and endowed it with ſuch Royal Rights, as the County Palatine of* Cheſter *had.* And foraſmuch as it was afterward extinct in the Perſon of King *Henry the Fourth*, by reaſon of the Union of it with the Crown, the ſame King, (ſuſpecting himſelf to be more rightfully *Duke of Lancaſter* than King of *England*) determined to ſave his Right in the *Dutchy*, whatever ſhould befal the Kingdom; and therefore he ſeparated the *Dutchy* from the Crown, and ſettled it ſo in the natural Perſons of himſelf and his Heirs, as if he had been no King or Politick Body at all; in which Condition it continued during the Reign of *Henry the Fifth*, and *Henry the Sixth*, that deſcended from him; but when *Henry the Fourth* had (by Recovery of the Crown) recontinued the Right of the Houſe of *York*, he feared not to appropriate that *Dutchy* to the Crown again; yet ſo, that he ſuffered the Court and Officers to remain as he found them; in which Manner it came, together with the Crown, to *Henry the Seventh*, who, liking well of *Henry the Fourth's* Policy, (by whoſe Right alſo he obtained the Kingdom) made a like Separation of the *Dutchy*, and ſo left it to his Poſterity, who ſtill enjoy it.

Dwined, *i. e.* conſumed; thus we ſay, to dwindle.

Dyer Was a learned Lawyer, and Lord Chief Juſtice of the Common Pleas in Queen *Elizabeth's* Time: He writ a Book ſtill much eſteemed, called his *Commentaries* or *Reports*.

Dyke-reeve, An Officer that hath the Overſight of the *Dykes* and Drains in *Deeping Fens*, &c. mentioned 17 & 18 *Car.* 2. *cap.* 11.

Dynge-thrift, An old Play or Sport, of which it is now hard to derive the Name, or to define the Thing. There is a Letter directed to the Official of the Archdeacon of *Richmond*, for cenſuring one *William Baker*, Chaplain of *Ripon*, upon ſeveral Articles exhibited againſt him, of which one runs thus; ——*Item fuit inventor principalis cujuſdam ludi peſtiferi & a jure reprobati, qui in vulgari dicitur* Dynge-thrift, *qui ſe Magiſtrum & Abbatem illius ordinis fecerat nominari, & pro tali ſe geſſit, & quamplurimos tam Clericos quam Laicos apud* Ripon *illo ludo noxio & damnoſo informavit.*—— Dat. 16 Kal. Nov. 1311. *Collectan. Matth. Hutton S. T. P. ex Reg. Grenefeld Archiepiſ. Ebor. MS.*

Dyteum, Dictenum, A *Dittany*, *Ditty* or Song. Whence *venire cum toto ac pleno* dyteno, was to ſing Harveſt home, *Homines de Heayngdon ad curiam Domini ſingulis annis inter feſtum S. Michaelis & S. Martini* venient cum toto ac pleno dyteno *ſicut hactenus conſueverunt.* Paroch Antiq. p. 320.

E.

E *Non ſolum eſt litera ſed præpoſitio etiam & per. ſe & in compoſitione ſignificans Anglice* (out) as *e foro*, out of Court; *Ejicio*, to caſt out, and the like.

Ealahus, From the Saxon *Eale*, *cerviſia*, and *Hus domus*, now called an Ale-Houſe; a Word which we often find in the Laws of King *Alfred*.

Ealtayn, In the *Saxon* Laws of King *Ethelred*, *cap.* 6.—— *Et ſi* Ealtayn *occidatur, pertineat infractio Pacis intra curiam, vel adjacentias ejus,* Ealtayn *perſolvatur plena wera.* Mr. *Somner* interprets *Ealtayn* to be *eight Men*, or ſuch a Number, ſlain; but I ſuppoſe the Word is rather meant *Heah-Tain*, a High Thane or ſuperior Lord, the Penalty on whoſe Murder was augmented in Proportion to his Quality.

Ealderman or Ealdorman, *Aldermanus*, Among the *Saxons* was as much as *Earl* among the *Danes*, *Cambd. Brit. pag.* 107. It is as much as an *Elder* or *Stateſman*, called by the *Romans* Senator, who were rather Counſellors at large, than beſtowed upon any particular Office, as *Comites* were See *Countee*. And that Signification we retain at this Day almoſt in all our Cities and Boroughs, calling thoſe *Aldermen* that are Aſſociates to the Chief Officer in the Common Council of the Town. 24 *H.* 8. *cap.* 13. Or ſometime the Chief Officer himſelf, as in *Stamford*.

Ealehorda, The Privilege of aſſiſing and ſelling Ale or Beer. As among the Liberties granted by *Henry the Second*, to the Abbey of *Glaſtonbury*—— *habeat quoque eadem Eccleſia ſocam & ſacam, on Stronde and on Streme, on Wode and on Felde, on Gritbbriche, on Burghbrich, Hundred. Sotene, Adda* and *Ortelas*, Ellehordas, *buſa, herden*, &c. Cartular, Abbat. Glaſton. Ms. fol. 14.

Earle, Sax. *Eorle*, Lat. *Comes* and *Conſul*: This was a great Title among the *Saxons*, and is the moſt ancient of any of the Peerage, there being no other Title of Honour uſed among the preſent Nobility, which was likewiſe in Uſe among the *Saxons*, except this Title of *Earl*. The Titles of Honour among the *Saxons* were originally three, *viz. Ætheling*, *Ealderman*, and *Deſen* or *Dane*; the firſt comes from the Word *Æthel*, which ſignifies Noble, and was uſually applied to the firſt of the Royal Line; the other two Words were applied to the reſt of the Nobility; only the *Thani* were afterwards diſtinguiſhed into *Majores* and *Minores*; the former were equal to our Peers, and the later to our Knights: But the Title *Earl*, in Lat. *Comes*, in ancient Times was given to thoſe who were Aſſociates to the King in his Councils and Martial Actions: And the Manner of their Inveſtiture into that Dignity was, *Per cincturam gladii Comitatus*; without any formal Charter of Creation. See *Dugdale's Warwick-*

Warwickſhire, *fol.* 302. But the Conqueror (as *Cambden* notes) gave this Dignity in Fee to his Nobles, annexing it to this or that County or Province; and allotted them for their Maintenance, a certain Proportion of Money ariſing from the Prince's Profits, for the Pleadings and Forfeitures of the Provinces: For Example, he brings an ancient Record in theſe Words; *Henricus 2. Rex Angliæ his verbis* Comitem *creavit*; *Sciatis nos feciſſe* Hugonem Bigot *Comitem de Norf. &c. de tertio denario de Norwic. & Northfolk*; *ſicut aliquis Comes Angliæ liberius Comitatum ſuum tenet.* About the Reign of King *John*, and ever ſince, our Kings have made *Earls* by their Charter, of this or that County, Province or City; but of late, giving them no Authority over the County, nor any Part of the Profits ariſing by it; only ſome annual Fee out of the Exchequer, &c. The Manner of their Creation is by girding them with a Sword. *Cam. p.* 107. but ſee the Solemnity deſcribed more at large in *Stow's Annals*, *p.* 1121. Their Place is next to a Marqueſs, and before a Viſcount. *Comitatus a Comite dicitur, aut vice verſa.* See more on this Subject in *Spelman's Gloſſ.* verbo *Comites*; and in *Selden's Titles of Honour*, *fol.* 676. and ſee *Countee*, *Conſul* and *Eorle.*

Earls. See *Arles.*

Eaſement (*Aiſiamentum*, from the French *Aiſe*, i. e. *Commoditas*) Is a Service or Convenience which one Neighbour has of another by Charter or Preſcription, without Profit; as a Way thro' his Ground, a Sink, or ſuch like. *Kitchin*, *fol.* 105. which, in the Civil Law, is called *Servitus prædii.*——— *Præcipias R. quod juſte & ſine dilatione permittat habere. H.* Aiſiamenta *ſua in Boſco & in paſtura de villa*, &c. Breve Regium vetus apud Glanvil. lib. 12. c. 14.

Eaſter, From the Saxon *Eaſter*; which was a Goddeſs the *Saxons* worſhipped in the Month of *April*; and ſo called, becauſe ſhe was the Goddeſs of the *Eaſt.*

Eaſtintus, An Eaſterling, Sax. *Eaſt-Tyne*, Eaſterly Coaſt or Country. In the Laws of King *Edward* the Elder——— *Si ſit* Eſtintus, *ſi ſit* Northtintus, *emendet ſicut ſcriptura pacis continet*— where I am apt to think. *Eaſtintus* was rather meant *Eaſtinus*, and *Nortintus*, *Nordtinus*, *i. e.* whether he lived on the Eaſt Side of the River *Tine*, or on the North.

Ebba, Ebb, or low Tide.———*Si extra regnum in peregrinatione fuerit,*——— *Dilationem habebit* 40 *dierum*, *& duorum floddorum & unius* ebbæ, *quia de ultra mare*, &c. Bracton. lib. 4. tract. 1. cap. 5. *In quibus eſſoniis dabitur dilatio ad minus* 40 *dierum & unius flud. & unius* ebbæ. Ib. lib. 5. tract. 2. cap. 2.

Ebdomadarius, An Officer in Cathedral Churches, appointed weekly to ſuperviſe the regular Performance of divine Service and other Duties, and to preſcribe the particular Office of each Perſon attending in the Choir, what Part he is to bear for that Week in reading, ſinging, praying, &c. To which Purpoſe the ſaid *Ebdomary* or Weeks-man, at the Beginning of his Week, drew up a Form or Bill of the reſpective Perſons and their ſeveral allotted Duties, called *Tabula*, and the Perſons there entered were called *Intabulati.*——— This appears particularly in the Statutes of the Church of St. *Paul's* digeſted by *Ralph Baldok*, Dean, *anno* 1295. MS. penes Joh. Epiſc. Norwic.

Ebedin, A Relief.

Eberemurder, Sax. *Ebere mord*, *Apertum murdrum*, was one of thoſe Crimes which, by *Henry* the Firſt's *Laws*, *cap.* 13. *emendari non poſſunt. Hoc ex ſcelerum genere fuit, nullo pretio, (etiam apud Saxones noſtros,) expiabilium, cum alia licuit pecuniis commutare.* Spelman. *Ex his placitis quædam emendantur centum ſolidis, quædam wera, quædam wita, quædam non poſſunt emendari quæ ſunt Husbrech*, i. e. Burglary, *Bernet*, i. e. Setting a Houſe on Fire, *Openheft*, i. e. Robbery, & Eberemurder. Leg. H. 1. cap. 12. See *Aberemurder.*

Eboracum, *York.*

Eccleſia (Lat.) Is moſt uſed for that Place where Almighty God is ſerved, commonly called a *Church.* But *Fitzherbert* ſays, By this Word *Eccleſia* is meant only a Parſonage; and therefore if a Preſentment be made to a *Chapel*, as to a *Church*, by the Name *Eccleſia*, this does change the Nature of it, and make it preſently a *Church. Nat. Brev.* 32. When the Queſtion was, Whether it were *Eccleſia aut Cappella pertinens ad matricem Eccleſiam?* The Iſſue was, whether it had *Baptiſterium & Sepulturam?* For if it had the Adminiſtration of the Sacraments and Sepulture, it was in Law judged a *Church. Trin.* 20 *Edw.* 1. *in Banco*, *Rot.* 177. 2 *Inſt. fol.* 363. *Eccleſia* is alſo ſometimes taken for the Image or Sculpture of a Church, which was often cut out or caſt in Plate or other Metal, and preſerved as a religious Treaſure or Relick. As in the Viſitation of the Treaſury of the *Church* of St. *Paul*, *anno* 1295. ———*Duo turribala argentea, exterius totaliter deaurata, cum opere gravato & levato, cum* Eccleſiis *& turribus & ſexdecim campanellis argenteis appenſis, & catenis albis argenteis, ponderis* 11. *marc.* 20. *den.* &c. Mon. Angl. tom. 3. p. 309.

Eccleſiaſtical Perſons, Are either *Regular* or *Secular*; *Regular*, are ſuch as lead a Monaſtick Life, under certain Rules, and have vowed Obedience, perpetual Chaſtity, and wilful Poverty: When a Man is profeſſed in any of the Orders of Religion, he is ſaid to be a Man of Religion, a Regular or Religious; of this Sort are Abbots, Priors, Monks, Friars, &c. *Secular*, are thoſe whoſe ordinary Converſation is among thoſe of the World, and profeſs to take upon them the Cure of Souls, and live not under any Rule of Religious Orders: Such are Biſhops, Pariſh-Prieſts, &c.

Eden-River. See *Eluna.*

Eder, A Hedge. *Eder-breche*, The Treſpaſs of Hedge breaking. Sax. *Eador-bryce*, which occurs in the Laws of King *Alfred*, *cap.* 45.

Edeſtia, —*Sciant quod ego Adam de Mohaut commiſi Domino Johanni de Barker pro ſervitio ſuo totam terram cum* edeſtiis, *& cum omnibus pertin. ſuis.* Ex Regiſter. Priorat. de Wormley. Perhaps from *Ayſiamenta*, Eaſements. *Blount* imagines that this Word comes from *Ædes*, and is uſed for Buildings.

Edia, ———*Qualiter quoque onera incumbentia Regi & Regno levius ad* Ediam *communitatis ſupportari poterunt*——— Henr. Knighton. lib. 5. The learned *Du Freſne* interprets it *Aid*, Auxilium. But it is indeed meant of *Eaſe*, from the Saxon *Eath*; and in *Weſtmorland* they ſtill ſay *Eathy* for *Eaſy.*

Edzington. See *Aduni Portus.*

Edmund's Bury. See *Villa Eanſtini.*

Ele-fares, alias Ele-bare, 25 *H.* 8. is the Fry or Brood of *Eels.*

Effoz-

Effoꝛcialiter, *i. e* with Military Force. *Tu ita* Efforcialiter *venis cum Equis & Armis.* Mat. Pa riſ. Anno 1213.

Effoꝛciamentum, (*Afforciamentum*) a Diſtreſs or Inquiſition. *Abbas veniat per aliquem liberum hominem attornatum ſuum, qualem præſentare voluerit ad* Efforciamentum *Curiæ tantum.* Monaſt. Tom. 1. p. 280. So in a Charter of *E.* 3. *p.* 832. *E tribus virgatis terræ quietis de ſectis Curiæ & adventibus &* Afforciamentis.

Effractoꝛes, (*Lat.*) Burglars, that break open Houſes to ſteal. *Qui furandi cauſa domos effringunt, vel ſeſe carcere proripiunt; etiam qui ſcrinia expoliant. MS.*

Eſtꝛs Ways, Entries, Walks, or Hedges; From the Sax. *Eſter, Poſt.*

Effuſio ſanguinis, The Mulct, Fine, Wite, or Penalty impoſed by the old *Engliſh* Laws for the ſhedding of Blood, which the King granted to many Lords of Manors. As among the Privileges granted to the Abbey of *Glaſtonbury.* ——— *Abbas & Conventus habent namia vetita, hutesium, levatum, &* effuſionem ſanguinis, ——— *Cartular. Abbat. Glaſton. MS. f.* 87. *a.*

Egilde, the ſame with *Gildum.*

Egyptians, *Egyptiani*, We commonly call them *Gypſies*, and by our Statutes, and the Laws of *England*, they are a counterfeit Kind of Rogues, that being *Engliſh* or *Welſh* People, accompany themſelves together, diſguiſing themſelves in ſtrange Habits, blacking their Faces and Bodies, and framing to themſelves an unknown Language, wander up and down, and under Pretence of telling Fortunes, curing Diſeaſes, and ſuch like, abuſe the Ignorant common People, by ſtealing all that is not too hot or too heavy for their Carriage. *Anno* 1 & 2 *Phil. & Mar. cap.* 4. and 5 *Eliz. cap.* 20. Theſe are like thoſe whom the *Italians* call *Cingari*, ſpoken of by *Franciſcus Leo in ſuo theſauro fori Eccleſiaſtici, part. prim. cap.* 13.

Eia, An Iſland, an Eyt, Sax. *Eage.* Hence the Names of Places which end in *Ey*, as *Ramſey*, is the Iſland of *Rams*; *Sheppey*, is the Iſland of *Sheep.* Mat. Pariſ. Anno 833. *Herſey*, the Iſland of *Harts.* Hence the *French* borrow their *Eau*, Water.

Ejecta, a Woman raviſhed or deflowered. *Ejectus*, a Whoremonger. *Rex fundavit dictum hoſpitale ſuper decem leproſis, & dicunt quod dicti leproſi erant de* Ejectibus *Civitatis Lincoln.* Mon. 2 Tom. pag. 388.

Ejectione cuſtodiæ, *Ejectment de gard*, Is a Writ which lieth properly againſt him that caſteth out the Guardian from any Land during the Minority of the Heir. *Reg. Orig. fol. F. N. B.* 139. *Termes de la Ley, verbo* Gard. There be two other Writs not unlike this; the one is termed *Droit de gard*, or *Right of Ward*; the other *Raviſhment de gard*, which ſee in their Places.

Ejectione firmæ, Is a Writ which lieth for the Leſſee for Term of Years, that is caſt out before his Term expired, either by the Leſſor or a Stranger. *Reg. Orig. fol.* 227. *F. N. B. fol.* 220. See *Quare ejecit infra terminum*, and the *New Book of Entries, verbo* Ejectione firmæ.

Ejectum, *Ejectus Maris. Quod e mari ejicitur.* Jet, Jetſom, Wreck. ——— *Et ſi de navi taliter periclitata aliquis homo vivus evaſerit, & ad terram venerit, omnia bona & catalla in navi cum iſta contenta remaneant, & ſint eorum quorum prius fuerant & eis non depereant nomine* ejecti. ——— *Si vero infra prædictum terminum nullus venerit ad exigenda catalla ſua, tum noſtra ſint, & hæredum noſtrorum nomine* ejecti, *vel alterius qui libertatem habet* ejectum *habendi.* Cart. Henrici Reg. Angl. Anno 1226.

Eigne, French, *Aiſne*, *Maximus natu*, The firſt born, as Baſtard *Eigne*, and *Mulier puiſne.* Lit. *ſect.* 399. See *Mulier.*

Eilesbury. See *Ailesbury.*

Einecia Is borrowed of the French *Aiſne*, *Primogenitus*, and ſignifies in the Common Law *Elderſhip*, Stat. of *Ireland.* 14 *H.* 3. *Skene de verbor. ſignificatione, verbo* Eneya, ſays, That in the Statute of *Marlbridge, cap.* 9. made in the Time of *H.* 3. It is called *Enitia pars hæreditatis:* And likewiſe in another Place of the ſame King, *Jus eſnicia*, that is, in proper Latin, *Jus primogenituræ.* See *Enitia pars*, and *Eſnecy. Eyniciam filiam ſuam maritare*, to marry his eldeſt Daughter.

Eire, alias Eyre, From the old *French* Word *Eire*, that is, *Iter*, a Journey, as *a grand Eire*, that is, *Magnis itineribus.* It ſignifies in *Britton, cap.* 2. the Court of Juſtices *Itinerant.* And Juſtices in *Eyre* are thoſe only which *Bracton* in many Places calleth *Juſticiaries itinerantes*, of the *Eyre*, and *Lib.* 3. *tract.* 2. *cap.* 1, 2. ſaith, The *Eyre* alſo of the Foreſt is nothing but the *Juſtice-ſeat* otherwiſe called, which is, or ſhould by ancient Cuſtom be held every three Years by the Juſtices of the Foreſt, journeying up and down to that Purpoſe. *Cromp. Jur. fol.* 156. *Manwood's Foreſt-Laws, cap.* 24. Read alſo *Skene de verb. ſignif. verbo* Iter, whereby as by many other Places, you may ſee great Affinity between theſe two Kingdoms in the Adminiſtration of Juſtice and Government. See *Juſtice in Eyre.*

Election, Is, when a Man is left to his own free Will to take or do one Thing or another, which he pleaſes; as if *A.* covenants to pay *B.* a Pound of Pepper or Saffron before *Whitſontide*; it is at the *Election* of *A.* at all Times before *Whitſontide*, which of them he will pay; but if he pays it not before the ſaid Feaſt, then afterwards it is at the *Election* of *B.* to have Action for which he pleaſes. *Dyer, fol.* 18. *pl.* 104. 21 *H.* 7. 19. *Co. lib.* 5. *fol.* 59. and *lib.* 11. *fo.* 51. In Caſe an *Election* be given of ſeveral Things, he who is the firſt Agent, and ought to do the firſt Act, ſhall have the *Election.* As if a Man make a Leaſe, rendring a Rent, or a Robe, the Leſſee ſhall have the *Election* (as being the firſt Agent) by Payment of the one, or Delivery of the other. *Coke on Littl. pag.* 144. *b.*

Election de Clerk, *Electione Clerici*, is a Writ that lieth for the Choice of a *Clerk* aſſigned to take and make Bonds called *Statute-Merchants*, and is granted out of the Chancery, upon Suggeſtion made, that the *Clerk* formerly aſſigned is gone to dwell in another Place, or hath Hindrance to let him from following that Buſineſs, or hath not Land ſufficient to anſwer his Tranſgreſſion, if he ſhould deal amiſs, &c. *F. N. B. fol.* 164.

Eleemoſyna, Alms. *Dare in puram & perpetual eleemoſynam*, to give in pure and perpetual Alms, or in *Frank-Almoigne*, as Lands were commonly given to religious Uſes, and ſo diſcharged from military Services, and other ſecular Burdens.

Eleemoſyna carucarum pro aratris, i. e. *Eleemoſyna aratri*, (*viz.*) a Penny which King *Æthelred* ordered to be paid for every Plough in *England* towards the Support of the Poor. *Leg. Æthelred. cap.* 1. *Ut detur de omni caruca denarius vel denarium valens.* So *in Leg. Canuti, ca.* 11. Sometimes 'tis

called *Eleemosyna Regis*, because it was at first appointed by the King. Thus *Simeon Dunelm. Anno* 887, writes, (*viz.*) *Æthelelm comes Wintonienſis* Eleemoſynam Regis *Ælfredi detulit Romam.*

Eleemoſynæ, *i. e.* the Poſſeſſions belonging to Churches. *Quid eſt quod das quando honores Eccleſiarum, &c. quod ſi res Domino jure* Eleemoſynarum *legitime conſecratæ ſint, Eccleſiarum ejus ſunt.* Du Cange. *Hanc Eccleſiam dedi Athelwaldo quiete tenere ſicut decet Eccleſiaſticam* Eleemoſynam. *Mon.* 3 *Tom. pag.* 46.

Eleemoſynaria, The Place in a religious Houſe, where the common Alms were repoſited, and thence by the Almoner diſtributed to the Poor. In old *Engliſh*, the *Aumerie*, *Aumbry*, *Ambry*, which in the North they now uſe for a Pantry or Cup-board, as the *Welſh* do *Almari*; yet the Word *Eleemoſynaria* was ſometimes taken for the Office of *Almoner*, to which, as to other Offices, there were peculiar Rents allotted, as——*Decima prædicti molendini* Eleemoſynariæ *Sancti Auguſtini ſolvatur.* Will. Thorne inter X. Scriptor. ſub anno 1128.

Eleemoſynarius, The Almoner, or peculiar Officer who received the *Eleemoſynary* Rents and Gifts, and in due Method diſtributed them to pious and charitable Uſes. There was ſuch a chief Officer in all the religious Houſes. The greateſt of our *Engliſh* Biſhops had their peculiar Almoners, as in the Council of *Oxford*, *anno* 1122. *Stat. cap.* 2. and *Linwood's Provincial*, *lib.* 1. *Tit.* 12. The Dignity and Duty of Lord Almoner to the Kings of *England* is deſcribed in *Fleta*, *lib.* 2. *cap.* 23.

Elegit, (So called from the Words in it *Elegit ſibi liberari*) Is a Writ Judicial, and lieth for him that hath recovered Debt or Damages in the King's Court, or upon Recogizance in any Court, againſt one not able in his Goods to ſatisfy, and directed to the Sheriff, commanding him that he make Delivery of half the Party's Lands or Tenements, and all his Goods, Oxen and Beaſts for the Plough excepted. *Old Nat. Brev. fol.* 152. *Reg. Orig.* 299, & 301. And the Table of the *Regiſter Judicial*, which expreſſeth divers Uſes of this Writ: In the *New Terms of the Law* it is ſaid, That this Writ ſhould be ſued within the Year. The Creditor ſhall hold the Moiety of the Land ſo delivered unto him, till his whole Debt and Damages are ſatisfied, and during that Term he is Tenant by *Elegit*. *Weſtm.* 2. *cap.* 18. See *Co.* on *Lit. fol.* 289. *b.*

Elf-Arrows, Flint-Stones ſharpned and jagged at each Side, in Shape of *Arrow-Heads*, made and uſed in War by the ancient *Britains*, of which ſeveral have been found in *England*, and greater Plenty in *Scotland*, where they call them *Elf-Arrows*, and do imagine they dropt from the Clouds.

Elke, A Kind of *Ewe* to make Bows of. *B.* 2 *H.* 8. *cap.* 9.

Elmsfeah, charitable Money, or Money given in Charity.

Eloine, In French *Eſloigner*, To remove, baniſh, or ſend away. So the Word is uſed 13 *E.* 1. *cap.* 15. If ſuch as be within Age be eloined, ſo that they cannot ſue perſonally, their next Friends ſhall be admitted to ſue for them.

Elopement Is when a married Woman departs from her Husband, and dwells with an Adulterer; for which, without voluntary Reconcilement to the Husband, ſhe ſhall loſe her *Dower* by the Statute of *Weſtm.* 2. *c.* 34. according to theſe old Verſes.

Sponte virum Mulier fugiens & Adultera facta,
Dote ſua careat, niſi ſponſo ſponte retracta.

A Woman thus leaving her Husband is ſaid to *elope*, and her Husband in this Caſe ſhall not be compelled to allow her any Alimony. See *Alimony.* I am perſuaded the Word is taken from the Sax. *Celeoran*, *i. e.* To depart from one Place to dwell in another, the Saxon *r* being eaſily Miſtaken, for a p. Or from the Belg. *Ee*, *matrimoniura*, and *loopen*, *currere.*

Emanſores, thoſe who go out of the Monaſtery. *Transfugæ*, & Emanſores, *a Clauſtro efſrænes*, *vagi & ſarabaitæ.* Pet. Bleſenſis Ep. 11. 142.

Emblements, (from the Fr. *Emblavence de bled*, *i. e.* Corn ſprung or put up above Ground) ſignify ſtrictly the Profits of Land ſown: But the Word is ſometimes taken more largely for any Profits that ariſe and grow naturally from the Ground, as Graſs, Fruit, Hemp, Flax, &c. If Tenant for Life ſow the Land, and afterwards die, the Executor of the Tenant for Life ſhall have the *Emblements*, and not he in Reverſion: But if Tenant for Years ſow the Land, and before he hath reaped, his Term expires, there the Leſſor, or he in Reverſion, ſhall have the *Emblements.* See *Co. lib.* 11. *fol.* 51. And although it is commonly held, that if a Man Leaſes Lands at Will, and after the Leſſee ſows the Land, and then the Will is determined, that the Leſſee ſhall have the *Emblements*; yet if the Leſſee himſelf determines the Will before the Severance of the Corn, he ſhall not have the *Emblements.* See *Co. lib.* 5. *fol.* 116.

Emblers de Gentz, This Word occurs in *Rot. Parl.* 21 *E.* 3. *n.* 62. where divers Murders, *Emblers de Gentz*, Robberies, &c. It comes from the French *Embler*, to ſteal, and ſeems to ſignify ſtealing from or robbing the People. ——

Embracer or **Embraſour**, 19 *H.* 7. 13. Is he that when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties (having received ſome Reward ſo to do) and ſpeaks in the Caſe, or privily labours the Jury, or ſtands there to ſurvey or overlook them, thereby to put them in Fear and Doubt of the Matter; the Penalty whereof is 20 *l.* and Impriſonment at the Juſtices Diſcretion by the aforecited Statute. But Perſons learned in the Law may ſpeak in the Caſe for their Clients.

Embracery is the Act or Offence of *Embracers.* To inſtruct the Jury, or promiſe Reward for or before Appearance, is *Embracery.* *Noy's Rep. fol.* 102.

Embre, or **Embring-Days**, (from *Embers*, *Cineres*,) either becauſe our Anceſtors, when they faſted, ſate in Aſhes, or ſtrewed them on their Heads. *Anno* 2 & 3 *Ed.* 6. *c.* 19. They are thoſe the ancient Fathers called *Quatuor Tempora*, and of great Antiquity in the Church, being obſerved on the *Wedneſday*, *Friday*, and *Saturday* next after *Quadrigeſima Sunday*, *Whit-ſunday*, *Holy-rood-day* in *September*, and St. *Lucy's Day* in *December.* Our *Saxons* called this Faſt *Imbren. Et jejunia quatuor Tempora* (*quæ* Imbren *vocant*) & cætera omnia, *prout S. Gregorius Genti impoſuit Anglorum, conſerventur.* Spelm. de Concil. T. 1. f. 518. They are mentioned by *Britton*, *cap.* 53. and others. *Co.* in

in his *Inſt. part.* 3. *fol.* 203. ſaith, Theſe *Embring-Days* are the Week next before *Quadrageſima*; which muſt needs be a great Miſtake in the Printer, for it is not poſſible that learned Man could be ignorant in any Thing ſo well known.

Emendals, *Emenda*, Is an old Word ſtill uſed in the Accounts of the *Inner Temple*, where ſo much in *Emendals* at the Foot of an Account, ſignifies ſo much in Bank in the Stock of the Houſe for the Supply of all emergent Occaſions: *Spelman* ſays it is that, *Quod tribuitur in reſtaurationem damni.*

Emendare, *Emendam ſolvere*, To make *Amends* or Satisfaction for any Crime or Treſpaſs committed. ——— *Domino Regi graviter emendare debent.* Leges Ed. Confeſſ. cap. 35. Hence a capital Crime, not to be attoned by *Fine* or pecuniary Compoſition, was ſaid to be *Inemendabile.* Leges *Kanuti*, *cap.* 2.

Emendatio, The Power of *amending* and correcting Abuſes, according to ſtated Rules and Meaſures. As *Emendatio Panni*, the Power of *Alnage*, *Aulnage*, *Ulnage*, or looking to the Aſſiſe of Cloth, that it be of the juſt Ell or due Meaſure. *Emendatio panis & ceruiſiæ*, the Aſſiſing of Bread and Beer, or the Power of ſuperviſing and correcting the Weights and Meaſures of them; a Privilege granted by the King to Lords of Manors, which gave Occaſion to the preſent Office of *Ale-Taſter*, appointed in every Court-Leet, and ſworn to look to the Aſſiſe of Bread, Ale, or Beer, within the Precincts of that Lordſhip. ——— *Ad nos ſpectat* emendatio *panni, panis & ceruiſiæ, & quicquid Regis eſt excepto murdredo & latrocinio probato.* ——— Paroch. Antiq. pag. 196.

Emiſſarius, A Steed, a Stallion. *De* Emiſſario, *cui inſederat, cecidit.* Matth. Weſt. ſub anno 1014. ——*ab ipſo vulneratus in brachio de ſuo dejectus eſt* Emiſſario Ib. ſub anno 1079.

Empanel, *Impanellare vel Ponere in Aſſiſis, & Juratis*, Cometh of the French *Panne*, i. e. *Pellis*, or of *Paneau*, which denotes as much as *Pane* with us, as a *Pane* of Glaſs, or of a Window: In Law it ſignifieth the Writing and Entring the Names of a Jury into a Parchment Schedule, or Roll of Paper, by the Sheriff, which he hath ſummoned to appear for the Performance of ſuch publick Service as Juries are imployed in. See *Panel.*

Emparlance, *Licentia interloquendi*, Cometh of the French *Parler*, to talk, and in the Common Law ſignifieth a Deſire or Petition in Court, of a Day to pauſe what is beſt to do. The *Civilians* call it *Petitionem induciarum.* And *Kitch. fol.* 200. interprets it in theſe Words, if he *imparl*, or pray Continuance; when praying Continuance is ſpoken *interpretative.* And *fol.* 201. he mentions *Emparlance general* and *Emparlance ſpecial*; *Emparlance general* ſeemeth to be that which is made only in one Word, and in general Terms. *Emparlance ſpecial*, where the Party requires a Day to deliberate, adding alſo theſe Words, *Salvis omnibus advantagiis tam ad juriſdictionem Curiæ quam ad breve & narrationem.* ——— or ſuch like. *Britton*, *cap.* 53. uſeth it for the Conference of a Jury upon the Cauſe committed to them. And an *Emparlance* or Continuance is thus entred, *Et modo ad hunc diem, ſcilicet diem veneris, &c. iſto eodem Termino uſque ad quem diem prædictus* A. *habuit licentiam interloquendi, &c.* See *Imparlance.*

Emperor is an ancient Title of the Kings of *England.* This appears by a Charter of King *Edgar*, viz. *Ego Edgarus Anglorum Baſileus, omniumque Regum inſularum oceani quæ Britanniam circumjacent, &c.* Imperator & *Dominus.*

Empreſii. See *Impreſii.*

Improvement. See *Improvement.*

Encænia, *i. e.* the Dedication of Churches, which was always on a *Sunday.* Encæniare, *i. e.* To begin a Thing, or to put on a new Thing, *viz.* Encæniavit *in Wintoniæ urbe arduam turrim.* Du Cange.

Encauſtum, *i. e.* Ink. *Quæ propter* Encauſti & *chartæ vitium aboleri incipiebat.* Fleta, lib. 2. c. 27. par. 5.

Encheſon Is a *French* Word much uſed in our Law Books, as in that Statute 53 *E.* 3. *cap.* 3. and it ſignifies as much as the Occaſion, Cauſe or Reaſon for which any Thing is done. So it is uſed by *Staundf. lib.* 1. *cap.* 12. in his Deſcription of a *Drodland. Skene de verb. ſignif. verbo* Encheſon, ſays, That *Edward*, the firſt King of *England*, *Weſtm.* 1. *c.* 6. Statutes and Ordains, That no Man ſhall be an Merchande, with an reaſonable *Encheſon.*

Encroachment, or **Accroachment**, Cometh from the *French* Word *Accrocher*, to pull or draw to, and it ſignifies an unlawful Gaining upon the Rights or Poſſeſſions of another: For Example, if two Mens Grounds lying together, the one preſſeth too far upon the other; or if a Tenant owe two Shillings Rent-Service to the Lord, and the Lord taketh three. See *Co.* 9. *Rep. f* 33. *Bucknal's* Caſe. So it is ſaid, That *Hugh Spencer* the Father, and *Hugh Spencer* the Son, *encroached* unto them the Royal Power and Authority. *Anno* 1 *E.* 3. *in procem.*

Endictment, ſee *Indictment.*

Endowment, *Dotatio*, Signifieth the giving or aſſuming of Dower to a Woman; for which ſee more in *Dower:* But it is ſometimes by a Metaphor uſed for the Setting or Severing of a ſufficient Portion for a Vicar towards his perpetual Maintenance, when the Benefice is appropriated; and ſo it is uſed in the Statutes, 15 *R.* 2. *c.* 6. and 4 *H.* 4. *c.* 12. See *Appropriation.*

Endowment de la pluis belle part, Is where a Man dying ſeiſed of ſome Lands holden in Knight-Service, and other ſome in Socage, the Widow is ſped of her Dower rather in the Socage-Lands, than thoſe holden in Knight-Service, as being *le pluis belle part*, the fairer Part, of which read *Littleton* at large, *Lib.* 1. *cap.* 5.

Energumeni, *i. e.* Demoniacks, who deſpiſing the Catholick Doctrine, were ſeduced by the Illuſions of the Devil. *Concil. Carthag.* 4. *c.* 91.

Enfranchiſe Is to make Free, to incorporate a Man into a Society or Body Politick, or to make one a free *Denizen.*

Enfranchiſement Cometh of the *French* Word *Franchiſe*, *libertas*, and ſignifies the Incorporating of a Man into any Society, or Body Politick: For Example, He that by Charter is made Denizen of *England*, is ſaid to be *enfranchiſed*; and ſo is he that is made a Citizen of *London*, or other City, or Burgeſs of any Town Corporate, becauſe he is made Partaker of thoſe Liberties that appertain to the Corporation, whereinto he is *enfranchiſed:* So a Villain is *enfranchiſed*, when he is made free by his Lord, and made capable of the Benefits belonging to Freemen. And when a Man is thus *enfranchiſed* into a City or Burrough, he hath a Freehold in his Freedom for his Life; wherefore, whatever ſhall be the Cauſe of his *Diſfranchiſement*, ought to be a Fact, and not only

an Endeavouring or Enterprising. What shall be sufficient Cause to *Disfranchise* a Freeman, and what not; see in *Co. lib. Rep. fol.* 91. *Bagg's* Case.

Englecery, Englechery, Englechire or **Englesshery**, In Latin *Engleceria*, Is an old Word, signifying nothing more than to be an *Englishman*. For Example, If a Man were privily slain or murdered, he was in old Time accounted *Francigena*, which Word comprehended every Alien, until *Englecery* were proved, that is, until it was made manifest that he was an *Englishman*. *Bract. lib.* 3. *tract.* 2. *cap.* 15. *fol.* 134. The Original whereof was this, *Canutus* the *Dane* being King of *England*, having setled his Estate in Peace, at the Request of his Lords, discharged the Land of his Armies, upon Condition, That whoever should kill an Alien, should be liable to Justice; and if the Manslayer escaped, the Town where the Man was slain should forfeit sixty-six Marks to the King, and if the Town was not able, then the Hundred should pay: And further, that every Man murdered should be accounted *Francigena*, except *Englecery* were proved. And the Manner of proving him to be an *Englishman* was before the Coroner, by two Men or Witnesses who knew the Father, and by two Women who knew the Mother; and this was called *Englecerie*. See *Horne's Mirrour of Just. lib.* 1. *cap. Of the Office of Coroners*, and *Fleta*, *lib.* 2. *cap.* 30. This *Englecery*, for the Abuses and Troubles that were afterwards perceived to grow by it, was utterly taken away by 14 *E.* 3. *c.* 4. See *Co. lib.* 7. *f.* 16. *Calvin's* Case.

Enheritance. See *Inheritance.*

Enitia pars. See *Esnecy.*

Enpleet Was anciently used for implead —— May *enpleet* and be *enpleeted* in all Courts. *Mon. Angl. vol.* 2. *f.* 412. *b.* ——

Enquest, Lat. *Inquisitio*, Is the same with the *French* Word, and all one in Signification: Howbeit it is especially taken for an Inquisition by our Jurors, or a Jury, which is the most usual Trial of all Causes (both Civil and Criminal within this Realm; for in Causes Civil, after Proof is made on either Side, of so much as each Party thinketh good for himself; if the Doubt be in the Fact, it is referred to the Discretion of twelve indifferent Men, empanelled by the Sheriff for that Purpose, and as they bring in their Verdict, so Judgment passeth; for the Judge saith, The Jury findeth the Fact thus, and the Law is thus: For the *Enquest* in Criminal Causes, see *Jury*, and *Smith de Rep. Angl. lib.* 2. *cap.* 19. An *Enquest* is either *ex Officio*, of Office, or at the Mise of the Party. *Staundf. pl. cor. lib.* 3. *c.* 12. This Word is used in the Statutes of 25 *E.* 3. *c.* 3. 28 *E.* 3. 13. and almost in all Statutes that speak of Trials by Jurors.

Enserver. See *Inservire.*

Ensignè, French, *Saignè*, Blooded, let Blood. —— *Si vicarius* Ensignè *fuerit, duas noctes solummodo habebit quietas, communionem non omittat.* Stat. Eccleſiæ Litchfield. in Mon. Angl. tom. p. 244. The Word was likewise used substantively for Bleeding, or Blood-letting, as —— *Quod solum quatuor vicarii, videlicet duo ex utraque parte chori, quolibet mense solum* Ensignè *recipient in festis tam trium quam novem lectionum.* —— ib.

Entail, *Feodum talliatum*, Cometh of the French *Entail*, i. e. *incisus*, and in the Common Law is used as a Substantive abstract, signifying *Fee-tail*, or *Fee intailed*: *Littleton* in the second Chapter of his Book draweth *Fee-tail* from the Verb *Talliare*, (an *obsolete* and *superannuated* Word, I am sure, if any,) whereas in Truth it must come from the French *Taille*, *sectura*, or *Tailler*, *scindere*; and the Reason is manifest, because *Fee-tail* in the Law is nothing but Fee abridged, scanted or curtailed, or limited or tied to certain Conditions. *Taille* in *France* is metaphorically taken for a Tribute or Subsidy. *Lupanus de Magistratibus Francorum, lib.* 3. *cap. Talea.* See *Fee*, see *Tail.*

Entendment, Cometh of the *French* Word *Entendement*, *intellectus*, *ingenium*. In a legal Sense it signifies as much as the true Meaning or Signification of a Word or Sentence. See for this *Kitchin, fol.* 244. When a Thing is in Doubt, then sometimes by *Entendment* it shall be made out: As if an Inquisition be found before a Coroner, that a Man was murdered at *A.* which is a Liberty, and it is not said in the Inquisition at *A.* within the Liberty of *A.* yet it shall be good by *Entendment*; for peradventure the Liberty may extend beyond the Town. *Co. lib.* 5. *fol.* 121.

Enterpleder, *Interplacitare*, Is compounded of two *French* Words, *Entre*, that is, *Inter*, and *Pleder*, that is *Disputare*; and signifies in the Common Law as much as *Cognitio præjudicialis* in the Civil, that is, the Discussing of a Point incidently falling out before the principal Cause can take End: For Example, Two several Persons being found Heirs to Land, by two several Offices in one County, the King is brought in doubt to which of them, Livery ought to be made, and therefore first they must *interplede*, that is, formally try between themselves who is the right Heir. *Staundf. Prærog. cap.* 12. & 11 *Bro.* Tit. *Enterpleder*, and *Co. lib.* 7. *fol.* 45.

Entheca, *i. e.* a Chest or Coffin. *Venerabilis Odo corpus* B. *Wilfridi in editiori* (*hoc est*) *in majori altari quod in orientali presbyterii parte parieti contiguum de impolitis lapidibus & cæmento extructum erat, digniter collocaverit.* Eadmerus de æde sacra Cantuariensi.

Entierty or **Intierty**, A Kind of *French* Word signifying *Entireness*; it is contradistinguished in our Books from Moiety, and denoting the Whole.

Entire Tenancy Is contrary to *several Tenancy*, signifying a sole Possession in one Man, whereas the other signifieth Joint or Common in more. See *Bro. Several Tenancy*, and the *New Book of Entries*, *verbo* Entire Tenancy.

Entrusion, *Intrusio*, Signifieth a violent or unlawful Entrance into Lands or Tenements, being utterly void of a Possessor, by him that hath no Right, nor Spark of Right unto them. *Bract. lib.* 4. *cap.* 2. For Example, If a Man step into any Lands, the Owner whereof lately died, and the right Heir neither by himself, or others, as yet hath taken Possession of them: The Difference between an *Intruder* and an *Abator* is this, that an *Abator* entreth into Lands void by the Death of a Tenant in Fee; and an *Intruder* enters into Lands void by the Death of a Tenant for Life, or Years. *F. N. B. fol.* 203. and *Co.* on *Lit. fol.* 277. yet the *Book of Entries* expresseth Abatement by the *Latin* Word *Intrusionem*, *fol.* 63. *C.* which the *New Terms of Law* calls *Interpositionem aut introitionem per interpositionem.* See *Abatement*, see *Disseisin*, see *Britton, cap.* 65. *Intrusio* is

is uſed alſo for the Writ brought againſt an *Intruder*, which ſee in *Fitzh. Nat. Brev.* 203. and Stat. of *Marl. cap. ult.*

Entruſion de gard Is a Writ that lies where the Infant within Age entred into his Lands, and held his Lord out: For in this Caſe the Lord ſhall not have the Writ *de communi Cuſtodia*, but this. *Old Nat. Brev. fo.* 90.

Entry, (Fr. *Entree*, i. e. *Introitus*, *Ingreſſus*,) properly ſignifies the Taking Poſſeſſion of Lands or Tenements. See *Plowden*, *Aſſiſe of Freſh Force in* London, *f.* 93. *b.* It is alſo uſed for a Writ of Poſſeſſion; for which ſee *Ingreſſus*: And read *Weſt. pa.* 2. *Symbol.* Tit. *Recoveries*, *ſect.* 2, 3. who there ſhews for what it lies, and for what not. Of this *Briton*, in his 114th Chapter, writes to this Effect: The Writs of *Entry* ſavour much of the Right of Property; As for Example: Some are to recover Cuſtoms and Services, in which are contained theſe two Words (*Solet & debet*,) as the Writs *Quo Jure*, *Rationabilibus Diviſis*, *Rationabili Eſtoverio*, with ſuch like. And in this Plea of *Entry* there are three Degrees: The firſt is where a Man demands Lands or Tenements of his own Seiſin after the Term expired: The Second is where one demands Lands or Tenements, let by another, after the Term expired: The Third, where one demands Lands or Tenements of that Tenant who had *Entry* by one, to whom ſome Anceſtor of the Plaintiff did let it for a Term now expired. According to which Degrees the Writs are varied. And there is yet a fourth Form, which is without Degrees, and in Caſe of a more remote Seiſin, whereunto the other three Degrees do not extend. The Writ in the ſecond Degree is called a Writ of *Entry In le Per*: in the third Degree a Writ of *Entry In le per & cui*; and in the fourth Form, without theſe Degrees, it is called a Writ of *Entry In le poſt*, that is, *after* Diſſeiſin, which ſuch a one made to ſuch a one. And if any Writ of *Entry* be conceived out of the right Caſe, ſo that one Form be brought for another, it is abatable. In theſe four Degrees are comprehended all manner of Writs of *Entry*, which are without Certainty and Number. Thus far *Briton*, by whom you may perceive that theſe Words, *Solet & debet*, and theſe other, *In le per*, *In le per & cui*, and *In le poſt*, which we meet with many Times in Books ſhortly and obſcurely mentioned, ſignify nothing but divers Forms of this Writ applied to the Caſe whereupon it is brought; and each Form taking its Name from the Words contained in the Writ. Of this read *Fitz. Nat. Brev. fol.* 193.

This Writ of *Entry* differs from an *Aſſiſe*, becauſe it lies for the moſt Part againſt him who entered lawfully, but holds againſt Law, whereas an *Aſſiſe* lies againſt him that unlawfully diſſeiſſed: Yet ſometimes a Writ of *Entry* lies upon an Entruſion. *Reg. of Writs*, *f.* 233. *b.* See the *New Book of Entries*, *verbo* Entre Brevis, *fol.* 254. *col.* 3. There is alſo a Writ of *Entry* in the Nature of an *Aſſiſe*. Of this Writ in all its Degrees, ſee *Fleta*, *lib.* 5. *ca.* 34. & *ſeq.* There are five Things which put the Writ of *Entry* out of the Degrees, *viz. Intruſion*, *Succeſſion*, *Diſſeiſin* upon *Diſſeiſin*, *Judgment* and *Eſcheat*. 1. *Intruſion* is where the Diſſeiſor dies ſeiſed, and a Stranger abates. 2. *Succeſſion* is when the Diſſeiſor is a Man of Religion, and dies, or is depoſed, and his Succeſſor *enters*. 3. *Diſſeiſin* upon *Diſſeiſin* is when the Diſſeiſor is diſſeiſed by another. 4. *Judgment* is when one recovers againſt the Diſſeiſor. 5. *Eſcheat* is when the Diſſeiſor dies without Heir, or doth Felony, whereby he is attaint, by which the Lord *enters* as in his Eſcheat. In all theſe Caſes the Diſſeiſee or his Heir ſhall not have a Writ of *Entry* within the Degrees of the *Per*, but in the *Poſt*; becauſe in thoſe Caſes they are not in by Deſcent, nor by Purchaſe.

Entry ad Communem Legem, Is a Writ, which lies where Tenant for Term of Life, Tenant for Term of another's Life, Tenant by the Curteſy, or Tenant in Dower, aliens and dies, he in the Reverſion ſhall have this Writ againſt whomſoever is in.

Entry in caſu Proviſo, Lies if Tenant in Dower alien in Fee, or for Term of Life, or for another's Life, living the Tenant in Dower, he in the Reverſion ſhall have this Writ, which is provided by the Statute of *Glouc. cap.* 7.

Entry in caſu conſimili, Is a Writ that lies where Tenant for Life, or Tenant by the Curteſy aliens in Fee, he in the Reverſion ſhall have this Writ by *Weſtm.* 2. *cap.* 24.

Entry ad terminum qui præterijt, Lies where a Man leaſes Land to another for Term of Years, and the Tenant holds over his Term; the Leſſor ſhall have this Writ.

Entry ſine aſſenſu Capitali, Lies where an Abbot, Prior, or ſuch as has Covent or Common Seal, aliens Lands or Tenements of the Right of his Church, without the Aſſent of the Covent or Chapter, and dies, then the Succeſſor ſhall have this Writ.

Entry cauſa Matrimonii prælocuti, Lies where Lands or Tenements are given to a Man, upon Condition, that he ſhall take the Donor to his Wife within a certain Time, and he does not eſpouſe her within the limited Time, or eſpouſes another; or otherwiſe diſables himſelf, that he cannot take her according to the ſaid Condition, then the Donor and her Heirs ſhall have the ſaid Writ againſt him, or againſt whoever elſe is in the ſaid Land.

Envoyce. See *Invoyce*.

Enure, Signifieth to take Place or Effect, to be available. As a Releaſe ſhall *Enure* by way of Extinguiſhment. *Littleton*, cap. *Releaſe*. And a Releaſe made to a Tenant for Term of Life, ſhall *enure* to him in the Reverſion.

Eodoxbrice is a *Saxon* Word, from *Eodor*, a Hedge, and *Brice*, *Ruptura*. It ſignifies Hedge-breaking. 'Tis mentioned in the Laws of King *Alfred*, *cap.* 45.

Eorle; It hath been a Queſtion whether this Word is of *Saxon* or *Daniſh* Original. *Wormius* tells us that the ancient *Danes* called their Barons by the Name of *Eorls*: But Mr. *Somner*, in *Gloſſ. Saxonico*, is rather of Opinion that it is derived from the *Saxons*. *Æthelward*, *lib.* 4. *c.* 3. *Conſules ruunt quos illi* Eorlas *ſolent nominare*, *&c.*

Epiacum, *Papcaſtle* in *Cumberland*.

Epimenia, *i. e.* Expences, Tributes, or Gifts. 'Tis mentioned in *Gildas De Excidio Britanniæ*, viz. *Item queruntur non aſſidue ſibi* Epimenia *contribui*, *&c.*

Epiſcopalia, Synods, Pentecoſtals, and other cuſtomary Payments from the Clergy to their Dioceſan Biſhop; which Dues were formerly collected by the Rural Deans, and by them tranſmitted to the Biſhop. As in the Charter of *Walter* Biſhop of *Coventry* and *Litchfield*, to the Abbey of *Derley*, —— *Concedimus etiam ut prædictus Abbas aut quiſque Succeſſorum ejus ſit Decanus de omnibus Eccle-*

Eccleſiis —— & *teneat Capitulum* —— & Epiſcopalia *reddat, vel reddere faciat de Eccleſiis diaconatus ſui.* Mon. Angl. tom. 3. f. 61. Theſe cuſtomary Impoſitions were called *Onus Epiſcopale*, and were by ſpecial Privilege remitted to thoſe free Chapels that were built upon the King's Demeſne, and exempt from *Epiſcopal* Juriſdiction. See Mr. *Kennet's Gloſſary* in *Epiſcopale onus.*

Epiſcopus puerorum, It was a Cuſtom formerly that ſome Layman about the Feaſt of *Epiphany* would plait his Hair, ſo that he might ſeem to have the Tonſure, and to put on the Garment of a Biſhop, and in them to exerciſe *Epiſcopal* Juriſdiction, and to do ſeveral ludicrous Actions; for which Reaſon he was called the *Biſhop of the Boys.* This Cuſtom obtained here long after ſeveral Conſtitutions were made to aboliſh it: For in an Inventory of the Ornaments of a Church in *York*, *Anno* 1530. we read, *Item una parva mitra cum petris pro* Epiſcopo puerorum. And in another Place, *Unus annulus pro* Epiſcopo puerorum. *Mon.* 3 *Tom. pag.* 169.

Equus auratus, Is taken to ſignify a Knight, and termed *Auratus*, becauſe anciently none but Knights might beautify and gild their Armour, or other Habiliments of War. *Ferne's Glory of Generoſity, pag.* 102. Yet in Law we never uſe *Eques Auratus*, but *Miles*, and ſometimes *Chivalier. Co.* 4 *Inſt. fol.* 5.

Equilocus, *i. e.* an Equal. 'Tis mentioned in *Simeon Dunelm. Anno* 882, viz. *Elfred Rex Saxonum, audaciſſimus Ducum, navali prælio ſuffultus, contra Paganicas naves congreſſus eſt, ex quibus ipſe* Equilocus *duas potentes virtute naves exſuperavit, &c.*

Equitatura, —— *Sciunt* —— *quod ego Stephanus de Ebroicis dedi Eccleſiæ S. Leonardi de Pyonia* —— *molendinum meum de Froma* —— & *prædicti Fratres habeant* Equitaturam & *ſaccum cum blado vel farina, &c.* Reg. Priorat. de Wormley, *fol.* 22. *a. penes* Ed. Harley, *Mil. Baln.* And it ſeems to ſignify here, the Liberty of riding or carrying Griſt and Meal from a Mill on Horſeback. *Miles cum equitatura*, is taken for a Knight, with his Horſe, Arms, and Furniture ——

Equity, *Equitas*, Is of two Sorts, and thoſe of contrary Effects, for the one doth abridge, and take from the Letter of the Law, the other doth inlarge, and add thereto. The firſt is thus defined, *Equitas eſt correctio legis generatim lata, qua parte deficit. Equity* is the Correction of the Law generally made in that Part wherein it fails, which Correction is much uſed in our Law: As for Example, when an Act of Parliament is made, that whoſoever doth ſuch a Thing ſhall be a Felon, and ſuffer Death; yet if a Madman, or an Infant that hath no Diſcretion, do the ſame, they ſhall not be Felons, nor ſuffer Death for it. Breaking of Priſon is Felony in the Priſoner himſelf, by the Statute *De Frangentibus Priſonam*; yet if the Priſon be on Fire, and they within break Priſon to ſave their Lives, this ſhall be excuſed by the Law of Reaſon. So to ſave my Life, I may kill another that aſſaults me. The other *Equity* is defined to be an Extenſion of the Words of the Law to Caſes unexpreſſed, yet having the ſame Reaſon; ſo that when one Thing is enacted, all other Things are enacted that are of the like Degree: As the Statute which ordains, that in an Action of Debt againſt Executors, he that doth appear by Diſtreſs ſhall anſwer, doth extend by *Equity* to Adminiſtrators; for ſuch of them as ſhall appear firſt by Diſtreſs, ſhall anſwer by *Equity* of the ſaid Act, *quia ſunt in æquali genere.*

Equus Coopertus, A Horſe with Saddle and Furniture on him. —— *Inveniendo pro quolibet feodo unum* equum coopertum, *vel duos diſcoopertos* —— Inqu. 16 Ed. 1. de Baronia de *Dunham-Maſſey.* ——

Er, The Syllable *Er*, in the Middle of a Word, is contracted from the Saxon *Wara*, which ſignifies *Inhabitants.* Thus *Canterbury* was anciently called *Cantwara-Burgh*, *i. e.* the Inhabitants of a Borough in *Kent.*

Eremitorium, A *Hermitage*, or deſert Place, for the Retirement of Hermites. —— Eremitorium *in boſco D. Ducis petiit, ubique domum hanc aliquanto tempore voluit.* Henr. Knyghton, *lib.* 5. Locus Heremitorius —— *Radulphus Heremita* locum Heremitorium *de Muſſewelle ædificavit.* —— Mon. Angl. tom. 3. p. 18. *a.*

Erius alias Iris, Is the Flower *de Lys*, whoſe divers Kinds you may read in *Gerrard's Herb. lib.* 1. *cap.* 34. The Root of this is mentioned among Merchandiſe, or Drugs to be garbled. *Anno* 1 *Jac. cap.* 19.

Erminii, This Word is mentioned in our Hiſtorian *Randulphus de Diceto*, and others Mr. *Somner* did not underſtand the Meaning of it; but 'tis very probable it ſignifies the People called *Armenians.*

Ermins Seemeth to come of the *French* Word *Ermine.* It ſignifieth a Fur of great Price.

Erminſtreet. See *Watling-ſtreet.*

Ern, The Names of Places ending in *Ern* ſignify a melancholly Situation: From the Saxon *Ern*, *Locus Secretus.*

Ernes, The looſe ſcattered Ears of Corn that are left on the Ground after the Binding or Cocking of it. —— *Conducto ad præparandum uſque ad carectam* xxix. *ſeliones ordei cum les* Ernes viii. *den.* Parochial Antiq. p. 576. From the old Teuton. *Abre*, an Ear of Corn, *Ernde*, Harveſt, *Ernden*, to cut or mow Corn. Hence to *Ern*, is in ſome Places to glean. See Mr. *Kennet's Gloſſary*, in *Ernes.*

Errant, *Itinerant*, May be derived from the old Word *Erre*, i. *Iter*: It is attributed to Juſtices that go the Circuit. *Staundf. pl. cor. f.* 15. and to Bailiffs at large. See *Juſtices in Eyre* and *Bailiff.* See alſo *Eyre.*

Erraticum, A Waif or Stray, *erring* or wandring Beaſt. —— *Si* Erraticum *quod vulgo dicitur* Weredrif *in curiam Sacerdotis vel Clerici qui in atrio manent, venerit, vel in eleemoſynam ejuſdem Eccleſiæ, vel in atrium Epiſcopi erit.* Conſtitut. Norman. *A. D.* 1080.

Error, Cometh of the French *Erreur*, and ſignifieth eſpecially an *Error* in Pleading, or in the Proceſs. *Bro.* Tit. *Error.* And thereupon the Writ which is brought for Remedy of this Overſight, is called *a Writ of Error*, in Latin *Breve de* Errore *corrigendo*, thus defined by *Fitzh.* in his *Nat. Brev. f.* 20. A Writ of *Error* is that properly which lieth to redreſs falſe Judgment given in a Court of Record, as in the *Common Bench*, *London*, or other City having Power by the King's Charter or Preſcription, to hold Plea of Debt above twenty Shillings, or Treſpaſs. See the *New Book of Entries*, *verbo* Error. This is borrowed from the *French* Practice, which they called *Propoſition de erreur*, whereof you may read in *Gregorius de appellatione*,

pellatione, pag 36. In what Diverſity of Caſes this Writ lieth, ſee the Statute 27 *El. c.* 9. *Regiſter Original*, in the Table, *verb. Errore corrigendo*, and *Reg. Jud. fol.* 34. There is likewiſe a Writ of *Error*, to reverſe a Fine, *Weſt. Symbol. part* 2. Tit. *Fines*, t51. For preventing Abatements by Writs of *Error* upon Judgments in the Exchequer, ſee 16 *Car.* 2. *cap.* 2. and 20 *Car.* 2. *cap.* 4. And for Redreſſing and Prevention of *Error* in Fines and Recoveries, ſee the Stat. 23 *Eliz. cap.* 3. for inrolling them.

Errore Corrigendo. See *Error.*

Erthmiotum, a Meeting of the Neighbourhood, *viz.* It was cuſtomary in former Days for the Neighbours to meet and compromiſe Differences among them by the Award of their Fellows, *Ita ut ne damnum incurrat, &c. aliquando in diviſis vel in* Erithmiotis, *ſuum hominem ubique manuteneat, aliquando ſuper ipſam terram.* Leg. H. 1. cap. 57.

Esbrancatura, From the French *esbrancher*, to cut off the Branches or Boughs, —— *Qui autem forisfecerit in foreſta Regis de viridi, ſive per culpaturam, ſive per* Esbrancaturam, *ſive per caditionem turbarum, ſive per eſcoriationem moræ, ſive per eſſartum, &c. erit in miſericordia, &c.* ——

Escaldare, To ſcald, as *eſcaldare porcos*, to *ſcald* Hogs. —— In the Inquiſition of the Serjeancies and Knights Fees in the 12th and 13th Years of King *John*, within the Counties of *Eſſex* and *Hertford*, —— *Rogerus de Legburn, & Robertus de Sutton de eo, tenet Bures per ſerjantiam* eſcaldandi *porcos Regis.* Lib. Rub. Scaccar. MS. fol. t37.

Escambio, Is a Licence granted to one, for the making over a Bill of Exchange to another over Sea. *Reg. Orig. fol.* 194. For by the Statute of 3 *R.* 2. *cap.* 2. No Merchant ought to exchange or return Money beyond Sea, without the King's Licence.

Escape, *Eſcapium*, Cometh of the French *Eſchapper*, that is, *effugere*, to fly from, and ſignifies in the Law, a violent or privy Evaſion out of ſome lawful Reſtraint. For Example, If the Sheriff, upon a *Capias* directed to him, take one, and indeavour to carry him to the Gaol, and he in the Way, either by Violence, or by Slight break from him, this is called *an Eſcape* Staundf. *pl. cor. fol.* 70. The ſame *Staundford* in his *Pleas of the Crown, lib.* t. *cap.* 26, 27. nameth two Kinds of *Eſcape*, the one *Voluntary*, the other *Negligent: Voluntary* is, when one arreſteth another for Felony, or any other Crime, and afterwards letteth him go whither he liſteth. In which *Eſcape*, the Party that permits it, is by Law guilty of the Fault committed by him that *eſcapes*, be it Felony, Treaſon or Treſpaſs. *Negligent Eſcape* is, when one is arreſted, and afterwards *eſcapeth* againſt his Will that arreſted him, and is not purſued by freſh Suit, and taken again before the Party purſuing hath loſt the Sight of him. *Id. cap.* 27. Of the Courſe of Puniſhment by the Civil Law in this Point, read in *Practica criminali Claudii de* B. *attaindier, reg.* 143. Read alſo *Cromp. Juſt. fol.* 35, 36, 37. and *Termes de la Ley*. There is likewiſe an *Eſcape* of Beaſts, and therefore he that by Charter is *Quietus de Eſcapio* in the Foreſt, is delivered of that Puniſhment which, by Order of the Foreſt, lieth upon thoſe whoſe Beaſts be found within the Land forbidden. *Cromp. Juriſd. fol.* 196. See alſo *Co.* 3. *Reports*, *Ridgeway's* Caſe; *Plowd. Com. Platt's* Caſe.

Escapium, What comes by Hap, Chance, or Accident. —— *Ita quod nec dicti Abbas & Conventus vel eorum tenentes aliquid juris clamore poſſint* ——*in communia paſturæ* —— *ſeu in curſu canum ſuorum in ipſo boſco, niſi forte per* eſcapium *eveniat.* Cartular. Abbat. Glaſton. *MS. penes Dom.* Clarges *ex Ædc Chriſti Oxon. f.* 67. *b.*

Esceppa, A *Scepp* or Meaſure of Corn. —— *Richardus de Revesbia recepit unam bovatam in Sticcefordia per idem ſervitium per annum, exceptb quod* Eſchepa *braſii quam debet habere, erit de avena.* —— Mon. Angl. tom. 1. p. 823. See *Sceppa.*

Eschanderia, The *Chandlary*, or *Chandry*, the Office where Candles were repoſited, and delivered out for Domeſtick Uſes. —— *Willielmus de Bigod tenet terras & villam de Bures per ſerjeantiam* Eſchanderiæ *& valet villa centum ſolidos.* 11 Hen. 3. ——

Eschange or **Exchange**, *Eſcambium* or *Excambium. Hanc terram* cambiavit Hugo Briecuino *quod modo tenet comes Moriton & ipſum* Scambium *valet Dulpum.* Domeſday, *vide* Exchange.

Escheat, (*Eſchaeta*, from the Fr. *Eſcheoir*, i. e. *cadere, accidere*) ſignifies any Lands or other Profits, that caſually fall to a Lord within his Manor, by way of Forfeiture, or by the Death of his Tenant, leaving no Heir general or ſpecial; *Magna Charta, cap.* 31. *Fitz. Nat. Br. fol.* 143. *T. Eſcheat* is alſo uſed ſometimes for the Place or Circuit, in which the King or other Lord hath *Eſcheats* of his Tenants. *Bract. lib.* 3. *tract.* 2. *ca.* 2. *Pupilla oculi par.* 2. *cap.* 22. *Eſcheat* (thirdly) is uſed for a Writ, which lies, where the Tenant having Eſtate of Fee-ſimple in any Lands or Tenements holden of a Superior Lord, dies ſeiſed without Heir general or ſpecial. In which Caſe the Lord brings this Writ againſt him that poſſeſſeth the Lands after the Death of his Tenant, and ſhall thereby recover the ſame in lieu of his Services. *Fitz. Nat. Br. fol.* 144. In the ſame Senſe as we ſay, The Fee is *Eſcheated*, the *Feudiſts* uſe *Feudum Aperitur.* See *Coke on Littl. fol.* 92. *b.* and the *Civilians* call theſe Forfeitures *Bona Caduca.* Sometimes the Word *Eſchaeta* ſignifies a lawful Inheritance deſcending on the Heir, but then the *Adjective Recta* is uſually added; as *Recta Eſchaeta*, i. e. *Legitima*, or ſuch as is caſt on another by Law: Thus *in Leg. H.* t. *cap.* t. *Salvo ſibi & hæredibus ſuis recto caduco, ſive recta* Eſchaeta: Gervas of Tilbury, *Lib.* 2. writes, *Eſchaeta cum hærede*, viz. *cum paterfamilias, &c. de rege tenens in capite, fata debita ſolveret, relictis tamen liberis quorum primogenitus minor eſt annis, redditus quidem ejus ad fiſcum redeunt, ſed hujuſmodi non ſimpliciter* Eſchaeta *dicitur, ſed* Eſchaeta *cum hærede, de ipſa hæreditate per officiales Regios tam hæres quam cæteri liberi neceſſaria percipiunt.* What we call *Eſcheats* are in the Kingdom of *Naples* called *excadentiæ*, or *Bona excadentia*; as, *Baro locat Excadentias eo modo quo locatæ fuerint ab antiquo, ita quod nulla debita ſervitia minuantur, & non remittit Gallinam debitam.* Jacob. de Franchiis *in præludiis ad feudorum uſum.*

Escheat of Wood: All the Appendages of Lop and Top, &c. that belonged to a Tree fell'd or fallen down. *John de Grey* Biſhop of *Norwich*, gave Liberty to the Monks of his Church, that in his Wood of *Thorp*, *habebunt unam arborem cum ramis, cortice, coſpellis, radice, & tota* Eſchaeta. *Ex Reg. Eccl.* Norwic.

Escheator (*Eſchaetor*) was an Officer (appointed by the Lord Treaſurer) who obſerved the *Eſcheats*

duo

due to the King in the County whereof he was *Eſcheator*; and certified them into the *Chancery* or *Exchequer*, and found Offices after the Death of the King's Tenants, which held by Knights Service *in Capite*, or otherwiſe by Knights Service: he continued in his Office but one Year, nor could any be *Eſcheator* above once in three Years. *Anno* 1 *H.* 8. *cap.* 8. & 3. *ejuſdem*, *cap.* 2. See more of this Officer and his Authority, in *Crom. Juſt. of Peace. Fitzherbert* calls him an Officer of Record, *Nat. Br. fol.* 100. becauſe that which he certified by Virtue of his Office, had the Credit of a Record. *Officium Eſchaetriæ* is the *Eſcheatorſhip. Reg. of Writs*, *f.* 259. *b.* This Office, having its chief Dependance on the Court of Wards, is now out of Date. See 4 *Inſt. f.* 225. There was alſo anciently an *Eſcheator* of the Jews. *Clauſ.* 4 *E.* 1. *m.* 7.

Eſcheccum. Anno 24 Hen. 3. Inter Abbatem S. Albani & Galfridum de Childwic & alios, —— *quod habuerunt venationem illam vi aut perniſſione anteceſſorum prædicti Abbatis vel per* Eſcheccum. The Gloſſ. at the End of *Matthew Paris*, (where the Pleadings are to be ſeen at large, *fol.* 538, and 539.) interprets it *increpationem Abbatis, vetationem & interruptionem:* But *Quære*, if it may not rather ſignify *by chance*, from the Fr. *Eſcheoir*, to happen or fall out, and not of Right; as when *S. S.* ſtarts a Hare in his own Lordſhip and purſues the Chace through another's, in which Caſe he needs no Permiſſion, according to the Law of Huntſmen.

Eſchercum, a Jury or Inquiſition; *Si habuerint venationem illam vi aut permiſſione prædeceſſorum Abbatis vel per* Eſcheccum. Matt. Paris. Anno 1240.

Eſchepa. See *Sceppa.*

Eſchequer, *Scaccarium*, May be derived from the *French* Word *Eſchequier*, i. *abacus, tabula Luſoria*, and ſignifieth the Place or Court of all Receits belonging to the Crown. *Polyd. Virg. lib.* 9. *Hiſt. Aug.* ſaith, That the true Word in *Latin* is *Statarium*; but it may with more Probability be taken from the *German* Word *Schatz*, denoting as much as *Theſaurus* or *Fiſcus. Cambden* in his *Brittannia*, *pag.* 113. ſaith, That this Court or Office took the Name from *tabula ad quam aſſidebant*, proving it out of *Gervaſius Tilburienſis*, the Cloth which covered it being party-coloured or chequered. By the *Grand Cuſtumary*, it is brought from the *Normans*, *cap.* 56. where you may find it thus deſcribed, The *Eſchequer* is called *An Aſſembly of High Juſticiers*, to whom it appertaineth to amend that which the Bailiffs and other meaner Juſticiers have evil done, and unadviſedly judged, and to do Right to all Men without delay, as from the Prince's Mouth. *Skene de verbor. ſignif. verb. Scaccarium*, hath out of *Paulus Æmilius* theſe Words, *Scaccarium dicitur quaſi ſtatarium, quod homines ibi in jure ſiſtantur, vel quod ſit ſtataria & perennis curia cum cæteræ curiæ eſſent indictivæ, nec loco nec tempore ſtatæ.* Alſo he addeth further, that it might be called *Scaccarium a ſimilitudine Ludi ſcaccorum*, from the Reſemblance it has to the Game at *Cheſs*; many Perſons meeting and pleading their Cauſes there, as if they were fighting in an arrayed Battel. And *Smith* deduces it from an old *Saxon* Word *Scata*, ſignifying Treaſure, whereof Account is made in the *Chequer*. This Court conſiſteth, as it were, of two Parts, whereof one dealeth eſpecially in the judicial Hearing and Deciding of all Cauſes appertaining to the Princes Coffers, anciently called *Scaccarium computorum*, as *Ockham* teſtifies in his *Lucubrations*. The other is called *The Receipt of the Exchequer*, which is properly imployed in the receiving and paying Money. *Cromp. Juri. fol.* 105. ſays, It is a Court of Record, wherein all Cauſes touching the Revenues of the Crown are handled: The Officers belonging to both theſe, you may read in *Cambden's Brit.* cap. *Tribunalia Angliæ*, to whom I refer you. The King's *Exchequer* now ſettled at *Weſtminſter*, was in divers Counties of *Wales*. See 27 *H.* 8. *cap.* 5. but eſpecially 26. and 4. *par. Inſt. fol.* 103.

Eſchipare, to build or equip: *Naves bene* eſchipatas *bonis & probris Marinellis.* Dn Freſne.

Eſcoziatio Moræ, Paring off the Turf of ſedgy or mooriſh Ground for burning. *Qui autem forisfecerit in foreſta Regis de viridi, ſive per culpaturam, ſive per esbrancatturam, ſive per foditionem turvarum, ſive per* eſcoriationem *moræ, ſive per culpationem de ſubnemore*, &c. Rog. Hoveden. Annal. p. 784.

Eſcuage, *Scutagium*, Cometh of the French *Eſcu*, *clypeus*, a Shield. In Law it ſignifieth a Kind of Knight's Service, called *Service of the Shield*, whereby the Tenant is bound to follow his Lord into the *Scotch* or *Welſh* Wars at his own Charge; for which ſee *Chivalry.* He who held a whole Knight's Fee, was bound to ſerve with Horſe and Arms forty Days at his own Charge; and he who held Half a Knight's Fee was to ſerve twenty Days. But Note, that *Eſcuage* is either *uncertain* or *certain: Eſcuage uncertain* is properly *Eſcuage* and Knight's Service, being ſubject to Homage, Fealty, and (formerly) Ward and Marriage; and ſo called, becauſe it is *uncertain* how often a Man ſhall be called to follow his Lord into thoſe Wars, and what his Charge will be in each Journey. *Eſcuage certain* is, when a certain Rent is paid yearly in lieu of all Services, being no further bound than to pay his Rent, called *a Knight's Fee*, or *the fourth Part of a Knight's Fee*, according to his Land; and this loſeth the Nature of Knight's Service, though it hold the Name of *Eſcuage*, being in Effect but Socage. *F. N. B. fol.* 8. But ſee the Stat. 12 *Car.* 2. *cap.* 24. for taking away the *Court of Wards and Liveries*, and turning all Tenures into Free and Common Socage. See *Littleton, lib.* 2. *cap.* 3. and ſee *Capite.*

Eſcuage alſo is ſometimes taken for that Duty or Payment, which they who held Lands under this Tenure, were bound to make to the Lord when they neither went themſelves to the Wars, nor provided one in their Place. *Monaſticon*, 2 *Tom. p.* 99. *Scutagium aſſiſum per Regnum.*

Eſcuage is ſometimes called a reaſonable Aid which was demanded by the Lord of his Tenants, who held Lands in Knight's Service, *viz. Conceſſerunt Domino Regi ad maritandam filiam ſuam de omnibus qui tenent de Domino Rege in Capite de ſingulis ſcutis* 20 *ſolidos ſolvendos.* Matt. Pariſ. Anno 1242. It was an uncertain Duty till it was known how much Money the Parliament would raiſe, but *Eſcuage certain* is called *Socage.*

Eſcurare, To ſcour or cleanſe. —— *Proviſo inſuper quod quoties & quando neceſſe erit & opportunum dicta foſſata noſtra mundare, purgare, vel* eſcurare, *liceat nobis & ſucceſſoribus noſtris totam aquam dictorum foſſatorum convertere & transferre.* —— Charta Thomæ Epiſcopi B. W. dat. 29. Octob. 4 Ed. 4.——*Ex Collectaneis Matth. Hutton, S. T. P. MS.*

Esingæ, the Kings of *Kent*, so called from *Ochta*, surnamed *Esc*, the Grandfather of King *Ethelbert*.

Eskectores, From the French *Escher*. —— *Dicunt etiam* (*Juratores*) *quod latrones* & Eskectores *de terra de Morgannon intraverunt prædictam terram de* Brekenhok, —— *Placit. Parl.* 20 *Ed.* 1. Robbers or Destroyers of other Mens Lands or Fortunes.

Eskenage, The Mayor and Alderman of *Calais* petition the King to grant them the Assise of Wine, Ale, Beer, and Bread, within the Jurisdiction of the same Town called *la Eskenage*. *Rot. Parl.* 4 *H.* 4. ——

Eskippamentum. *Clauſ.* 1 *Ed.* 1. whereby the Sea-port Towns were to provide certain Ships —— *Sumptibus propriis & duplici* eskippamento. Sir *Robert Cotton* engliſheth it, double *Skippage*, *i. e.* double Tackle, or Furniture, as I suppose. ——

Eskippeson, Shipping or Passage by Sea. *Ceſte Endeuture faite parentre lui noble home Monſ.* Thomas Beauchamp *Counte de Warwyke d'une parte &* John Russel *Eſcuier d'autre parte, Teſmoïgne, &c. Et que le dit* John *aura* Eskypesoun *covenable pour ſon paſſage & repaſſage outre meer, as cuſtages le dit Counte, &c. Done a Warwyke.* 2 Jan. 50 Ed. 3. And *Humfrey* Earl of *Bucks*, in a Deed, (*Dat.* 13 *Febr.* 22. *Hen.* 6.) covenants with Sir *Phil. Chitwind*, his Lieutenant of the Castle of *Calais*, to give him Allowance for his Soldiers *Skippeſon* and *Reskippeſon*, *i. e.* Passage by Ship, and Repassage.

Eldest, *Æſnecia*, Is a Prerogative given to the eldest Coparcener, to chuse first after the Inheritance is divided. *Fleta*, *lib.* 5. *cap.* 10. *ſect. in diviſi nem. Salvo capitali Meſſuagio primogenito filio pro dignitate Æſneciæ ſuæ.* Glanvil. lib. 7. c. 3. *Jus Æſneciæ, ju. Primogenituræ.* Skene *de verb. ſig. Stat. Marlb. c.* 9. calls it *Enitia pars hæreditatis*. See *Co.* on *Littl. ſ.* 166. *b.*

Especialare, *Expeditare*, To expeditate, which in a proper old *Engliſh* Term was called *Lawing* of Dogs, and was done two several Ways; either, first, by cutting off the three fore Claws of the Right Foot: Or secondly, by cutting out the Ball of the Foot; that so by either Way the Dogs might be disabled from hunting or running hard. This Method of preventing Mischief from Dogs neighbouring on a Forest, was invented by King *Henry* II. or at least by him first injoined in the Assise of *Woodſtock*, Artic. 6. —— *Nullus dominicos canes Abbatis & Monachorum* especialtare *cogat, verum canes hominum ſuorum intra foreſtam manentium Abbas & Monachi* especialtari *faciant.* ——Cartular. Abbat Glaston. *MS. penes Magiſt.* Clarges, *nuper ex Æde Chriſti, f.* 7. See *Expeditare*.

Esplees, *Expletia*, perhaps from *Expleo*, seem to be the full Profits that the Ground or Land yieldeth; as the Hay of the Meadows, the Feed of the Pasture, the Corn of the Arable; the Rents, Services, and such like Issues. The Profits comprised under this Word, the *Romans* call properly *Acceſſiones*; *nam acceſſiones ea generaliter omnia, quæ ex re de qua agitur orta ſunt, veluti fructus, partus & omnis cauſa rei & quæcunque ex re procedunt.* And note, That in a Writ of Right of Land, Advowson, or such like, the Demandant ought to alledge in his Count, that he or his Ancestors took the *Esplees* of the Thing in Demand; otherwise the Pleading is not good. *Termes de la Ley. Dominus Epiſcopus habebit omnia* Expletia & *proficua de Corona emergentia.* Plac. Parl. 30 *Ed.* 1. Sometimes it signifies the Farm or Lands themselves, *viz. Et pro eo quod prædict. homines, & eorum animalia, per terras & paſcua mea & expleta eant & redeant abſque ullo ſervitio.* Du Cange.

Esperverius and Sparverius, (Fr. *Eſpervier*) A Spar-Hawk, *Char. Foreſtæ, cap.* 14. —— *Reddit. ſolut.* Willielmo Talboys *Arm. ad Manerium ſuum de Kyme pro omnibus ſervitiis ſecularibus unum* Espervarium *vel* 2 *s. per Annum ad Feſtum Sancti Mich. &c.* Comput. Davidis Gefferon. Collect. Redd. de Wragby. Anno 35 Hen. 6. —— *Dicunt quod* Ricardus *de Herthull die quo obiit tenuit Manerium de Poley in Com. War. in Dominico ſuo ut de feodo per fidelitatem & ſervitium unius* Espervarii *vel* 2 *s. ad Feſtum* S. Jacobi, *&c.* Esc. de Anno 19 Ed. 2. num. 53.

Espicurnantia, The Office of *Spigurnel*, or Scaler of the King's Writs. The Word *Spigurnellus*, which *Spelman* and *Du Freſne* recite without interpreting, seems detorted from the Saxon *Sparran*, to shut up or enclose. *Oliver de Staundford*, in 27 *E.* 1. held Lands in *Nettlebed, Com. Oxon. per ſerjeantiam* espicurnantiæ *in cancellaria Domini Regis.* Paroch. Antiq. p. 292. See Mr. *Kennet's Gloſſary, Ibid.*

Esquire, from the Fr. *Eſcu*, which signifies a Shield, from the Lat. *Scutum*, from the *Greek* Σκυτος, which signifies an Hide, of which Shields were anciently made, and afterwards covered; and here in the Time of the *Saxons* the Shields were covered with Leather, so that an *Eſquire* was originally he who attending a Knight in Time of War, did carry his *Shield*, whence he was called *Eſcuier* in *French*, and *Scutifer* or *Armiger* in *Latin*: Howbeit this Addition hath not of long Time had any respect at all to the Office or Employment of the Person to whom it hath been attributed, but been merely a Title of Dignity, and next in Degree below a Knight. Those to whom this Title is now of right due, are, All the *Younger Sons of Noblemen*, and the eldest Sons of such younger Sons; the eldest Sons of Knights, and their eldest Sons successively: The *Four Eſquires* of the *King's Body*: Those that serve the King in any *Worſhipful Calling*, (to use *Cambden's* Words) as the *Serjeant Chirurgeon, Serjeant of the Ewry, Maſter Cook, &c.* Such as are created *Eſquires* by the King with a Collar of SS. of Silver, as the *Heralds* and *Serjeants at Arms*. The Chief of some ancient Families are likewise *Eſquires* by Prescription; those that bear any superior Office in the Commonwealth, as *High Sheriff* of any County, who (as some hold) retains the Title of *Eſquire* during his Life, in respect of the great Trust he has had, of the *Poſſe Comitatus*; he who is a *Juſtice of Peace*, has it, during the Time he is in Commission, and no longer, if not otherwise qualified to bear it. *Barriſters at Law* in the late Acts of Parliament for Poll-Money, were ranked among *Eſquires*, and so many wealthy Men, (by reason they were commonly reputed to be such) and paid accordingly. In *Walſingham's Hiſtory* of *Richard the Second*, we read of one *John Blake*, who is said to be *Juris Apprenticius*, and has the Addition of *Scutifer* there given him; but, whether intitled thereto by reason of his Profession or otherwise, does not appear. See *Cambd. Brit. f.* 111. and 2 *Inſt. f.* 595.

A Principe ſiunt Armigeri *vel ſcripto vel Symbolo vel munere. Scripto, cum Rex ſic quempiam conſtituerit. Symbolo, quum collum ergo alicujus argenteo ſig-*

matico (*hoc eſt torque ex SS. confecto*) *adornaverit, eumve argentatis calcaribus* (*ad diſcrimen equitum, qui aureis uſi ſunt*) *donaverit. Tales in occidentali Angliæ plaga* (*ut aliquando didici in conventu rei antiquæ ſtudioſorum*) White Spurs *dicti ſunt. Munere, cum ad munus quempiam evocaverit, vel in Aula vel in Repub.* Armigero *deſignatum : Cujuſmodi multa hodie, patribus noſtris incognita. Inter* Armigeros *qui fiunt* (*non naſcuntur*) *primarii habentur quatuor illi* Armigeri *ad Corpus Regis* (Eſquires of the Body) *quos & Equitum filiis primogenitis anteponendos aſſerunt.* Thus the Learned *Spelman* in whoſe *Gloſſarium* you may find Mention of another Species of *Eſquires, viz.* Squier born de quater Cotes.

Omnibus —— Walterus de Pavely miles filius quondam Reginaldi de Pavely ſalutem. Noveritis me obligari Rogero Marmion filio quondam Philippi Marmion omnibus diebus vitæ ſuæ in una Roba cum pellura *de ſecta* Armigerorum *meorum annuatim ad Feſtum Nativitatis Domini percipiend. ſine aliqua contradictione vel retractione mei vel hæredum meorum aut aſſignatorum. Ad quam quidem ſolutionem Robæ prædictæ cum pellura annuatim ad terminum ſupradictum fideliter perſolvendum obligo me & hæredes meos, bona & catalla noſtra mobilia & immobilia, ubicunque fuerint inventa in maneriis meis in Hundredo de Weſtbury exiſtentibus vel extra, &c.* ſine dat. Ex codice MS. penes Gul. Dugdale Mil.

Cambden in his *Brit. fol.* 111. having ſpoken of Knights, hath theſe Words of them, *Hiis proximi fuere Armigeri, qui & Scutiferi hominesque ad arma dicti, qui vel a clypeis gentilitiis quæ in nobilitatis inſignia geſtant ; vel qui principibus & majoribus illis nobilibus ab armis erant, nomen traxerunt, &c. Hotoman* in the ſixth Chapter of his *Diſputations upon the Feods* ſaith, That thoſe which the *French* call *Eſquires*, were a military Kind of Vaſſals, having *Jus ſcuti*, that is, they bear a Shield, and in it the Enſigns of their Family, in Token of their Gentility or Dignity.

Eſſartum, Exartum, Aſſartum, *Aſſart*, or Woodland broke up or ploughed. —— *Placitum quoque Foreſtarum de* Eſſartis, *de caſione, de combuſtione, de venatione.*——Leg. H. 1. Reg. Angl. ca. 17. See *Aſſart.*

Eſſendi quietum de Tolonio Is a Writ that lieth for Citizens and Burgeſſes of any City or Town, that hath a Charter or Preſcription to exempt them from Toll through the whole Realm, if it happen the ſame to be any where exacted of them. *F. N. B.* 226. *Reg. Orig. fol.* 258.

Eſſoine *Eſſonium*, Cometh of the French *Eſſonie* or *Exonnie*, i. *cauſarius miles*, he that hath his Preſence forborn, or excuſed upon any juſt Cauſe, as Sickneſs or other Impediment. It ſignifieth in the Common Law, the Allegation of an Excuſe for him that is ſummoned, or ſought for to appear, and anſwer to an Action real, or to perform Suit to a Court-Baron, upon juſt Cauſe of Abſence : It is as much as *excuſatio* with the *Civilians*. The Cauſes that ſerve to *eſſoin* any Man ſummoned, are divers, yet drawn chiefly to five Heads ; whereof the firſt is, *Ultra mare*, whereby the Defendant ſhall have forty Days. The Second, *De terra Sancta*, where the Defendant ſhall have a Year and a Day, and theſe muſt be laid in the Beginning of the Plea. The Third, *De malo veniendi*, which is alſo called, *The common Eſſoin.* The Fourth is, *De malo lecti.* And the Fifth, *De ſervitio Regis.* For further Knowledge of theſe, I refer you to *Glanvile*, in his whole firſt Book, and *Bracton, lib. 5. tract. 1. per totum*, and *Britton, ca.* 122, 123, 124, 125. and *Horn's Mirrour of Juſtices, lib. 1. cap. de Eſſoins*, who maketh Mention of ſome more *Eſſoins* touching the Service of the King Celeſtial, and of ſome other Points not unworthy to be known. Of theſe *Eſſoins* you may read further in *Fleta, lib. 6. cap. 8. & ſeq.* And that theſe came to us from the *Normans*, is well ſhewed by the *Grand Cuſtumary*, where you may in a Manner find all ſaid that our Lawyers have ſpoken of this Matter. *Cap.* 39, 40, 41, 42, 43, 44, 45.

Eſſoin de malo lecti is when the Defendant is ſick in Bed,

Eſſoin de malo veniendi is when the Defendant is infirm in Body and not able to come.

Eſſoin per ſervitium Regis is when the Defendant is in the King's Service.

Eſſoin de malo villæ is when the Defendant appears in Court the firſt Day, but departed without Pleading, and being afterwards ſurpriz'd by Sickneſs or any other Infirmity, cannot attend the Court, but ſends two *Eſſoiners*, who openly proteſt in Court that he is detained by Sickneſs in ſuch a Village that he cannot come, *pro lu rari & pro perdere* ; and this muſt be admitted for full Proof, without any further Surety, for 'tis Incumbent on the Plaintiff to prove whether the *Eſſoin* is true or not.

Eſſoin de terra ſancta Was an Expedition to the *Holy Land, viz.* to *Jeruſalem.*

Eſſoin de ultra mare Was when the Defendant is beyond Sea.

Eſſoines and Proffers. *Anno* 32 *H.* 8. *c.* 21. See *Proffer.*

Eſſonio de malo lecti Is a Writ directed to the Sheriff, for the ſending of four lawful Knights to view one that hath *eſſoined* himſelf *de malo lecti Reg. Orig. f.* 8. *b.*

Eſtabliſhment of Dower Seemeth to be the Aſſurance of *Dower* made to the Wife by the Huſband, or his Friends, before or at Marriage ; and Aſſignment is the Setting it out by the Heir afterwards, according to the *Eſtabliſhment. Britton, cap.* 102, & 103.

Eſtache, *Ceſte endenture teſmoigne que cum il y avoir debate entre eux du ſoule ou dit A. ad facit planter une* Eſtache *de pere & de merymo en Selby water, &c.* Ex Regiſt. de Selby, fol. 51. It ſeems here to be uſed for a Bridge or *Stank* of Stone and Timber, from the French *Eſtacher*, to faſten. ——

Eſtandard, or **Standard**, Cometh of the French *Eſtendart*, i. *ſignum, vexillum.* It ſignifies an Enſign in War as well with us as with them. But it is alſo uſed for the ſtanding Meaſure of the King, to the Scantling whereof all the Meaſures in the Land, are, or ought to be framed by the Clerk of the Market, Alneger, or other Officer, according to their Functions ; for it was eſtabliſhed by the Statute of *Magna Charta*, *Anno* 9 *Hen.* 3. *cap.* 9. That there ſhould be but one Scantling of Weights and Meaſures through the whole Realm, which is ſince confirmed by 14 *E.* 3. *c.* 12. and many other Statutes ; (one eſpecially made 17 *Car.* 1. *c.* 29. which ſays, from henceforth there ſhall be one Weight, one Meaſure, and one Yard, according to the *Standard* of the Exchequer throughout all the Realm :) It is not without great Reaſon called a *Standard*, becauſe it ſtandeth conſtant and immoveable, and hath all Meaſures coming towards it for their Conformity : Even as Soldiers in the Field have their *Standard* or Colours, for their Direction in their

March or Skirmiſh to repair to. Of theſe *Standards* and Meaſures, read *Britton, cap.* 30.

Standard of Money. The *Standard* and Allay of old Eſterling, and the old right *Standard* of *England*, are to be underſtood thus: A Pound-Weight Troy of Gold was divided into Twenty-four Carats, and every Carat into four Grains of Gold. And a Pound-Weight of the old Sterling, or right *Standard* Gold of *England* conſiſted of Twenty-three Carats, and three Grains and a Half of fine Gold, and half a Grain of Allay; which Allay might be Silver or Copper. Again, a Pound-Weight Troy of Silver was then (as it has been ever ſince) divided into twelve Ounces, every Ounce into twenty Penny Weight, and every Penny-Weight into Twenty-four Grains; and every Pound-Weight of *old Sterling*, or right *Standard* Silver of *England*, conſiſted then (as it does now) of eleven Ounces and two Penny Weight of fine Silver, and eighteen Penny Weight Allay. *Vid. Lownde's Eſſay upon Coins, pag.* 18. For the *Standard* of Plate and Silver Manufactures, ſee the Stat. 6 *Georg. cap.* 11.

Eſtate May be deduced from the *French* Word *Eſtat*, i. *Conditio*, and ſignifieth that Title or Intereſt which a Man hath in Lands or Tenements; as *Eſtate-ſimple*, otherwiſe called *Fee-ſimple*; and *Eſtate conditional*, or upon Condition, which is as *Littleton* ſaith, *lib.* 3. *cap.* 5. either upon *Condition in Deed*, or upon *Condition in Law: Eſtate upon Condition in Deed* is, where a Man by Deed indented infeoffeth another in Fee, reſerving to him and to his Heirs yearly a certain Rent payable at one Feaſt, or at divers, upon Condition, that if the Rent be behind, &c. that it ſhall be lawful to the Feoffor, and to his Heirs, to enter into the Lands or Tenements, &c. *Eſtate upon Condition* in *Law*, is ſuch as hath a Conſideration in Law annexed to it, though not ſpecified in Writing: For Example, If a Man grant to another by his Deed the Office of a Parkerſhip for Term of his Life, this *Eſtate* is upon Condition in the Law, or implyed by Law, *viz.* if the Parker ſhall ſo long well and truly keep his Park. I read alſo of an *Eſtate particular*, which is an *Eſtate* for Life, or for Term of Years. *Perkin's Surrenders*, 581.

Eſtacha frumenti, An old Meaſure of Corn; perhaps the ſame with a Strike or Buſhel. —— *Puke Leſchurch reddit in gabulo aſſiſo xiii. libr.* —— *& quatuor ſummas & duo* eſtechas *frumenti*, —— Cartular. Abbat. Glaſton. *MS. penes Dom.* Clarges. *fol.* 40. *b.*

Eſterling. See *Sterling.*

Eſtoppel, From the French *Eſtouper*, *oppilare*, *obſtipare*, denotes as much as an Impediment, or Bar of an Action, growing from his own Fact that hath, or otherwiſe might have had his Action. For Example, a Tenant maketh a Feoffment by Colluſion to one, the Lord accepteth the Services of the Feoffee; by this he debarreth himſelf of the Wardſhip of his Tenant's Heir. *F. N. B. fol.* 142. Divers other Examples might be ſhewed out of him, and *Broke hoc titulo. Co. lib.* 2. *fol.* 4. *Goddard's* Caſe, defineth an *Eſtoppel* to be a Bar or Hindrance unto one to plead the Truth, and reſtraineth it not to the Impediment given to a Man by his own Act only, but by another's alſo. *Lib.* 3. the Caſe *Of Fines*, *fol.* 88. There are three Kinds of *Eſtoppel*, *viz.* By Matter of *Record*, by Matter in *Writing*, and by Matter *in Paiis*; of which ſee *Co.* on *Littl. fol.* 352.

Eſtovers, *Eſtoverium* according to *Spelman* is derived from the Fr. *Eſtoffe*, i. e. *Materia*, and that from the Verb *Eſtoffer*, which is to ſupply with Neceſſaries; and in Law properly ſignifieth Nouriſhment or Maintenance. For Example: *Bracton, lib.* 3. *tract.* 2. *cap.* 18. *num.* 2. uſeth it for that Suſtenance, which a Man committed for Felony, is to have out of his Lands or Goods for himſelf and his Family, during his Impriſonment. And the Statute made 6 *E.* 1. *cap.* 3. uſeth it for an Allowance in Meat or Cloth. It is alſo uſed for certain Allowances of Wood, to be taken out of another Man's Woods. So it is uſed *Weſtm.* 2. *cap.* 25. *Anno* 13 *E.* 1. *Weſt. Symb. part.* 2. Tit. *Fines, ſect.* 26. ſaith, That the Name of *Eſtovers* containeth *Houſe-bote. Hay-bote*, and *Plough bote*; as if he have in his Grant theſe general Words, *De rationabili* Eſtoverio *in boſcis*, &c. he may thereby claim theſe three. In ſome Manors the Tenants have Common of *Eſtovers* out of the Lord's Woods, and pay a certain ſmall annual Rent for the ſame. *Rationabile Eſtoverium*, vide *antea*, *Alimony.*

Eſtrangers Are ſometimes taken for thoſe that are not Privies or Parties to the Levying a *Fine*, or making of a Deed. Sometimes for thoſe that are born beyond Sea.

Eſtray, (from the old French *Eſtrayeur*, Lat. *Extrahura*, *Pecus quod elapſum e cuſtodia campos pererrat ignoto Domino*) ſignifies any Beaſt not wild, found within any Lordſhip, and not owned by any Man; for in this Caſe, it being cried, according to Law, in the Market-Towns adjoining, if it be not claimed by the Owner in a Year and a Day, it is the Lord's of the Soil. See *Britton, cap.* 17. *Vide etiam* Eſtrays *in the Foreſt*, 27 *H.* 8. *cap.* 7. and *New Book of Entries, verbo* Treſpaſs concernant *Eſtray.* The ancient Law of King *Ina* was, *Diximus de ignotis pecoribus, ut nemo habeat ſine teſtimonio Hundredi, ſive hominum Decennæ*, that is, the Suiters at a Court-Leet. *Spel.*

Eſtreat, *Extractum*, Is uſed for the true Copy, or Duplicate, of an original Writing. For Example, Of Amerciaments or Penalties ſet down in the Rolls of a Court, to be levied by the Bailiff, or other Officer, of every Man for his Offence. See *F. N. B. f.* 57, & 76. and ſo alſo it is uſed, *Weſt.* 2. *c.* 8.

Clerk of the Eſtreats, *Clericus extractorum.* See in *Clerk.*

Eſtreciatus, Streightned, blockt up. *Inquiratur de viis Domini Regis* eſtreciatis. —— Plac. Coron. temp. R. 1.

Eſtregbords, Eaſtern Boards, or Deal, or Fir brought from the Eaſtern Parts for Wainſcot and other Uſes. —— *Et in ſex* Eſtregbords *videl. Waynſcots emptis apud* Steresbregge 11. Sol. 11. den. Paroch. Antiq. p. 575.

Eſtrepe, Freneh *Eſtropier*, i. *Mutilare*: To make Spoil by a Tenant for Life in Lands or Woods, to the Prejudice of him in the Reverſion.

Eſtrepement or **Eſtrepament**, *Eſtrepamentum*, from the *French* Word *Eſtropier*, *mutilare*: It ſignifies the Spoil made by Tenant for Life upon any Lands or Woods, to the Prejudice of the Reverſioner, as namely in the Statute made *Anno* 6 *E.* 1. *c.* 13. and it may ſeem by the Derivation, that *Eſtrepement* is properly the unmeaſurable Soaking or Drawing out of the Heart of the Land by plowing or ſowing it continually, without manuring, or other ſuch Uſage as is

requiſite in good Husbandry: And yet *Eſtropier* ſignifying *mutilare*, may not improperly be applied to thoſe that cut down Trees, or lop them, farther than the Law will bear. This ſignifies alſo a Writ, which lieth in two Manners; the one is, when a Man having an Action depending, (as a *Formedon*, or *Dum fuit infra ætatem*, or *Writ of Right*, or any other) wherein the Demandant is not to recover Damages, ſueth to inhibit the Tenant for making Waſte during the Suit. The other Sort is for the Demandant, that is adjuged to recover Seiſin of the Land in Queſtion, and before Execution ſued by the Writ *Habere facias ſeiſinam*, for fear of Waſte to be made before he can get Poſſeſſion, ſueth out this Writ. See more in *F. N. B. fol.* 60, 61. *Reg. Orig. fol.* 76. and *Reg. Jud. fol.* 33. In antient Records we often find *Vaſtum & extrepamentum facere*; and *Spelman* thinks Eſtrepamentum *Gravis vaſti genus deſignare.*

Eſumare, to excuſe or eſſoin: *Cum dies placiti, &c. venit, non potui, &c. adire, ſed miſi* eſumatores *qui me* eſumaverunt *apud Cantuar.* Du Cange.

Eſurium. *Alborough.*

Etate probanda. See *Ætate probanda.*

Ethbrich. See *Ewbryche.*

Etheling or **Atheling**, is a *Saxon* Word ſignifying *Noble*, and among the *Engliſh Saxons* was as the Title of Prince among us, or as the King's eldeſt Son; ſuch was *Edgar Atheling* the deſigned Succeſſor of *Edward the Confeſſor. Cambden. Edgar Ætheling, England*'s Darling.

Etocetum, *The Wall* in *Staffordſhire.*

Evenings, The Delivery at *Even* or Night of a certain Portion of Graſs or Corn, or Underwood to a cuſtomary Tenant, who performs his wonted Service of cutting, mowing, or reaping for his Lord, and at the End of his Day's Work, receives ſuch a Quantity of the Materials he works upon, to carry home with him, as a Gratuity or Encouragement of his bounden Service. So in the Manor of *Burceſter, Com. Oxon.* ——*Virgata terræ integra ejuſdem tenuræ habebit liberam ad veſperas quæ vocatur* Evenings, *tantum ſicut Falcator poteſt per falcem levare & domum portare per ipſum* —— Paroch. Antiq. pag. 401. ——See Mr. *Kennet's Gloſſary*, at the End of that Work.

Everwickſhire, *Yorkſhire*, Heretofore ſo called, haply derived from the Latin *Eboracum*, from which *Eborac*, and *Evoric* or *Everwick* corruptly is no ſtrange Variation; and the Saxon *Scyre*, which ſignifieth *Shire. Willielmus Rex Angliæ Thomæ Archiepiſcopo & Betramo de Verdon & Baronibus ſuis Francis & Anglis de* Everwicſcire, *&c.* Charta Will. Conq. It is alſo written *Ewyereſcire, in Rot. Magno*, 30 *Hen.* 2. And elſewhere *Eboracſchira.*

Eves-droppers Are ſuch as ſtand under Walls or Windows by Night or by Day, to hear News, and to carry them to others, to make Strife and Debate among Neighbours: Theſe are evil Members in the Commonwealth, and therefore by the Stat. *Weſt.* 1. *cap.* 33. are to be puniſhed. And this Miſdemeanor is preſentable and puniſhable in the Court-Leet. *Kitchin. fol.* 11.

Evidence, *Evidentia* Signifies generally any Proof, be it Teſtimony of Men, Records or Writings. Sir *Thomas Smith* uſeth it in both Sorts, *lib.* 2. *cap.* 17. in theſe Words, *Evidence* is authentical Writings of Contracts, after the Manner of *England*; that is to ſay, written, ſealed and delivered: And *lib.* 2. *cap.* 23. ſpeaking of the Priſoner that ſtandeth at the Bar to plead for his Life, and of thoſe that charge him with Felony, He ſaith thus, Then he telleth what he can ſay; after him, likewiſe all thoſe who are at the Priſoners Apprehenſions, or who can make any Proof, which we in our Language call *Evidence*, againſt the Malefactor. It is called *Evidence* becauſe it makes the Iſſue *evident* to the Jury; for *Probationes debent eſſe* evidentes *& perſpicuæ. Co.* on *Lit. fol.* 283.

Ewagium. *Charta Regis Johannis Deo & B. Johanni & hominibus de* Beverlaco, *quod ſint quieti de Theolonio, Scutagio, Paſſagio, Peſagio, Laſtagio, Stallagio & de Wrec & de Logan, de* Ewagio *& de Lene, &c.* Hill. 14 H. 3. In Theſauro Reg. Scacc. Ebor. Rot. 15. *Ewagium* is the ſame with *Aquagium*, from the Fr. *Eau, aqua*, and ſignifies a Toll paid for the Paſſage of Water.

Ewbryte, Adultery, from the Saxon *Ewe, conjugium*, and *bryce, fractio.* The Word occurs in the Laws of King *Edmund, Sect.* 4. tho' in the Edition of *Brompton*, it is falſly wrote *Ewice.* From this Saxon *Ewe*, Marriage, we derive our preſent *Engliſh* Words to *Woo*, a *Wooer.*

Ewe is a *German* Word, but it was uſed by the Engliſh *Saxons*, and ſignifies a Law; 'tis mentioned *in Leg. W. 1. viz. De malefactoribus qui vitâ periculum ſecundum* Euva *Saxonum incurrere debent.*

Exaction Is a Wrong done by an Officer, or one pretending to have Authority, in taking a Reward or Fee for that which the Law allows not. The Difference between *Exaction* and Extortion is this, Extortion is, where an Officer extorts more than his due. *Exaction* is, where he wreſts a Fee or Reward, where none is due. See *Extortion.*

Exactores Regis, The King's *Exactors*, ſometimes taken for the Sheriff. And in this Senſe the *Black-Book* in the Exchequer, *Part.* 1. *cap. ult. Tabulas, quibus Vicecomes cenſum Regium colligit Rotulum* Exactorium *vocat*; but generally *Quicunque publicas pecunias, tributa, vectigalia & res fiſco debitas exigit, proprie nominatur* Exactor Regis.

Examiners in Chancery, *Examinatores*, Are two Officers that *examine* upon Oath, Witneſſes produced on either ſide, upon ſuch Interrogatories as the Parties to any Suit do exhibit, to that Purpoſe; and ſometimes the Parties themſelves are by particular Order *examined* alſo by them. Heretofore there was ſuch an *Examiner* in the *Star-Chamber*, but the Court being aboliſhed, the Office and Officer is extinct.

Exannual Roll, In the old Way of delivering the Sheriffs Accounts, the *firmæ mortuæ vel obſoletæ, i. e.* illeviable *Fines* and deſperate Debts, were tranſcribed into a *Roll* called the *Exannual Roll*, which was to be yearly read to the Sheriff upon his Account, to ſee what might be gotten. Read *Hale of Sheriffs Accounts*, p. 67.

Excambiator Was anciently uſed for an Exchanger of Land, [ſuch I ſuppoſe as we now call *Brokers*, that deal upon the *Exchange* between Merchants]. *In libro chartarum Priorat. Leominſt. de anno* 2 *Ed.* 2. it is ſaid, *Ita quod unuſquiſque eorum qui damna ſuſtinuit aliquo caſu contingente, quod* Excambiator *refundat damna*, &c.

Exception, *Exceptio*, Is a Stop or Stay to an Action, being uſed in the Civil and Common Law both alike, and in both divided into *dilatory* and

and *peremptory*: Of theſe ſee *Bracton*, *lib.* 5. *tract.* 5. *per totum*, and *Britton*, *cap.* 91, 92.

Exceter. See *Iſca.*

Exchange, *Excambium vel Cambium*, Hath a peculiar Signification in our Common Law, and is uſed for that Compenſation which the Warrantor muſt make to the Warrantee, Value for Value, if the Land warranted be recovered from the Warrantee. *Bract. lib.* 2. *cap.* 16. & *lib.* 1. *cap.* 19. It ſignifieth alſo generally as much as *Permutatio* with the *Civilians*, as the King's *Exchange*. 1 *H.* 6. *cap.* 1, & 4. and 9 *E.* 3. *Stat.* 2 *cap.* 7. which is nothing elſe but the Place appointed by the King for the *Exchange* of Bullion, Gold, Silver, or Plate, &c. with the King's Coin. Theſe Places have been divers heretofore, as appeareth by the ſaid Statutes: But now there is only one, *viz.* The *Tower* of *London* conjoined with the *Mint*, which in Time paſt might not be, as appeareth by 1 *H.* 6. *cap.* 4.

Exchangers Are thoſe that uſe to return Money beyond Sea, by Bills of *Exchange*, which by the Stat. 5 *R.* 2. ought not to be done without the King's Licence. See *Eſcambio.*

Exchequer. See *Eſchequer.*

Exchеator. See *Eſcheator.*

Exciſe Is a Charge or Impoſition laid upon Beer, Ale, Cyder, and other Liquors, within the Kingdom of *England*, *Wales*, and *Berwick*, by Act of Parliament made 12 *Car.* 2. *cap.* 13. during the King's Life, and according to the Rates in the ſaid Act mentioned. See 13 *Car.* 2. *cap.* 13. and 17 *Car.* 2. *cap.* 4.

Excluſa, A Sluce for Water dam'd or pent up. —— *Et ripam Saverna in Foreſta ſua ad tenendam* Excluſam *piſcaria vel molendini de Ettona.* —— Cart. Hen. 1. in Mon. Angl. tom. 1. —— *Excluſagium* is of the ſame Import, as —— *Dedi in puram Eleemoſynam* —— excluſagium & *ſtagnum de piſcaria & molendino de Wederhalla.* —— Mon. Anglican. tom. 1. pag. 398. And nearer to our preſent Engliſh, *Sluſagium* —— *ex dono Richardi Filii Luca* ſluſagium *unum ſuper terram ſuam ad molendinam Monachorum fullericum*, ib. p. 868.

Excluſagium was a Payment due to the Lord for the Benefit of having a Sluce. *Et duo molendina in eodem manerio cum aquis* Excluſagiis, &c. Mon. 1 Tom, 398. 587.

Excommengement, 23 *Hen.* 8. *cap.* 3. Is in Law *French*, the ſame with *Excommunication* in *Engliſh.*

Excommunication, *Excommunicatio*, Is thus defined by *Panormitan*, Excommunicatio *eſt nihil aliud quam cenſura a canone vel judice Eccleſiaſtico prolata & inflicta, privans legitima communione Sacramentorum & quandoque hominum.* And it is divided in *Majorem & Minorem*; *Minor eſt, per quam quis a Sacramentorum participatione conſcientia vel ſententia arcetur: Major eſt quæ non ſolum a Sacramentorum, verum etiam fidelium communione excludit, & ab omni actu legitimo ſeparat & dividit.* Venatorius de ſenten. excom. The Form of an *Excommunication* was of old thus, *Auctoritate Dei Patris Omnipotentis, & Filii & Spiritus Sancti & Beatæ Dei Genetricis* Mariæ, *omniumque Sanctorum* Excommunicamus, *Anathematizamus & a limitibus Sanctæ Matris Eccleſiæ ſequeſtramus illos Malefactores* N. *conſentaneos quoque & participes, & niſi reſipuerint & ad ſatisfactionem venerint, ſic extinguatur lucerna eorum ante viventem in ſæcula ſæculorum.* Fiat, Fiat, Fiat, Amen. Ex emendat. Legum *Will. Conqueſtoris* in lib. vocat. *Textus. Roffenſis.* By the Eccleſiaſtical Laws an *excommunicated* Perſon was not to be buried, but the Body was uſually flung into a Pit, or covered with an Heap of Stones which was called *Imblocare corpus. Hoveden, pag.* 796, 773, 801, 810. *Ordericus Vitalis, lib.* 13. *p.* 908. And it was a common Opinion, That though the Body was expoſed to the Weather, yet it never periſhed, but remained whole, as a terrible Example to all Poſterity. *Mat. Pariſ. p.* 464.

Excommunicato capiendo Is a Writ directed to the Sheriff for the Apprehenſion of him who ſtandeth obſtinately *excommunicated* forty Days; for ſuch a one not ſeeking Abſolution, hath, or may have his Contempt certified into the *Chancery*, whence iſſueth this Writ, for the laying of him up without Bail or Mainpriſe, until he conform himſelf. *F. N. B. f.* 62. 5 *El. c.* 23. *Reg. Orig. f.* 65, 67, 70.

Excommunicato deliberando Is a Writ to the Under-Sheriff, for the Delivery of an *excommunicate* Perſon out of Priſon, upon Certificate of the Ordinary of his Conformity to the Juriſdiction Eccleſiaſtical. *F. N. B. fol.* 63. and *Reg. Orig. fol.* 65, & 67.

Excommunicato recipiendo Is a Writ whereby Perſons *excommunicate*, being for their Obſtinacy committed to Priſon, and unlawfully delivered thence, before they have given Caution to obey the Authority of the Church, are commanded to be ſought for, and laid up again. *Reg. Orig. f.* 67.

Execution, *Executio*, In the Common Law ſignifies the laſt Performance of an Act, as of a *Fine* or a *Judgment*. And the *Execution* of a *Fine*, is the obtaining Poſſeſſion actually of the Things contained in the ſame by Virtue thereof, which is either by Entry into the Lands, or by Writ; whereof ſee at large *Weſt. part.* 2. *Symbol.* Tit. Fines, *ſect.* 136, 137, 138. *Executing* of Judgments and Statutes, and ſuch like, ſee *F. N. B. in indice* 2. *verbo* Execution. *Co.* in his 6 *Rep. Blomfield's* Caſe, *f.* 87. maketh two Sorts of *Executions*, one *final*, another with a *quouſque* tending to an End: An *Execution final* is that which maketh Money of the Defendant's Goods, or extendeth his Lands, and delivereth them to the Plaintiff: for this the Party accepteth in Satisfaction, and this is the End of the Suit, and all that the King's Writ commandeth to be done. The other Sort with a *Quouſque* is tending to an End, and not final; as in the Caſe of a *Capias ad ſatisfaciendum*, &c. This is not final, but the Body of the Party is to be taken, to the Intent and Purpoſe to ſatisfy the Demandant, and his Impriſonment is not abſolute, but until the Defendant do ſatisfy. *Idem ibid.*

Executione facienda is a Writ commanding *Execution* of a Judgment; the divers Uſes whereof ſee in the *Table of the Regiſter Judicial.*

Executione facienda in Withernamium is a Writ that lies for taking his Cattel, who formerly had conveyed out of the County the Cattel of another: So that the Bailiff, having Authority from the Sheriff to replevy the Cattel ſo conveyed away, could not execute his Charge. *Reg. of Writs, f.* 82. *b.*

Executor, *Executor*, is he that is appointed by any Man in his laſt Will and Teſtament, to have the Diſpoſing of all his Subſtance, according to the Contents of the ſaid Will. This *Executor* is either *particular* or *univerſal*; *Particu-*

lar, as if this or that Thing only be committed to his Charge: *Univerſal*, if all. And this is in the Place of him whom the *Civilians* call *Hæredem deſignatum*, or *Teſtamentarium*; and the Law accounteth him one Perſon with the Party whoſe *Executor* he is, as having all the Advantage of Action againſt Men that he had, ſo likewiſe being ſubject to every Man's Action as himſelf was. This *Executor* had his Beginning in the Civil Law, by the Conſtitutions of the Emperors, who firſt permitted thoſe that thought good by their Wills to beſtow any Thing upon godly and charitable Uſes, to appoint whom they pleaſe to ſee the ſame performed: And if they appointed none, then they ordained, That the Biſhop of the Place ſhould have Authority of courſe to effect it. *Lib.* 28. *cap. de Eiſcopis & Clericis.* And hence probably grew the Uſe of *Univerſal Executors*, and alſo brought the Adminiſtration of their Goods, that die inteſtate, unto the Biſhop.

Executor de ſon tort, Or *Executor* of his own wrong, Is he that takes upon him the Office of an *Executor* by Intruſion, not being ſo conſtituted by the Teſtator; nor for want thereof, appointed by the Ordinary to adminiſter: How far he ſhall be liable to Creditors. See 43 *El. ca.* 8. *Dyer*, 166. and *vide etiam libellum vocat. The Duty of* Executors, *cap.* 14.

Exemplificatione Is a Writ granted for the *Exemplification* of an Original. See *Reg. Orig. fol.* 290.

Exemplification of Letters Patent, *An.* 13 *El. cap.* 6. Is a Copy or Duplicate of *Letters Patent* made from the Inrolment thereof, and ſealed with the Great Seal of *England*; which *Exemplifications* are as effectual to be ſhewed or pleaded, as the Originals themſelves. *Nota*, nothing but Matter of Record ought to be *exemplified.* 3 *Inſt. fol.* 173. See *Co.* 5. *Rep. Page's* Caſe.

Exemplum, and **Exemplata terra**, the ſame with *Aſſart*, and *Lands aſſarted.*

Exemption Is a Privilege to be free from Service or Appearance; and therefore a Baron and Baroneſs, *dignitatis cauſa*, are *exempted* to be ſworn upon any Enqueſt. *Co. lib.* 6. *fol.* 53. Alſo Knights, Clerks, and Women are *exempted* to appear at the Sheriff's Turn, by the Statute of *Marl. cap.* 10. And a Man may be *exempted* from being put upon Enqueſts and Juries by the King's Letters Patent, as the College of *Phyſicians*, *London*, were by Letters Patent of H. 8. *Co. lib.* 8. *fol.* 108.

Erenium, a Reward or Gift, or any Payment in the Name of a Gift. *Bracton, lib.* 5. *tract.* 5. *c.* 4. *Fleta, lib.* 2. *c.* 71.

Exercituale Was anciently uſed for a *Heriot*, Exercituale *Vironis ſive Baronis Regis, qui erit proximus ei, quatuor equi.* LL. Edw. Conf. 1. ——This demonſtrates the Derivation of *Heriot* or *Heregaie* from *Here*, *Exercitus*, becauſe the old feudal Heriot was paid only in Arms or Military Accoutrements.

Exfrediare, To break the Peace, to commit open Violence: From the Saxon *Frede*, *Frith*, Peace. *Frithbian*, to protect. ——— *Si quis proſiliat, & domum* exfrediet, *nec tamen aliquem percutiat, dimidio forisfacto culpa conſiſtat* ——— Leges H. 1. cap. 31.

Ex gravi Querela Is a Writ that lieth for him to whom any Lands or Tenements in Fee within a City, Town, or Borough, being deviſable, are deviſed by Will, and the Heir of the Deviſor entreth into them, and detaineth them from him. *Reg. Orig. fol.* 244. *Old Nat. Brev. fol.* 17. See *F. N. B. fol.* 198.

Exhenium, *Exennium*, A Gift, a Preſent, a Token, more properly a New-Year's Gift. —— *In expenſis Domini Regis & exhenniis, eidem factis apud Farendon centum ſol. ſex denar. in expenſis Dominæ Reginæ ibidem pernoctantis & exhenniis, eidem factis lxxv. Sol.* —— Ex Compoto domus de Farendon. *MS. penes* W. Kennet. *fol.* 31.

Exhibit, *Exhibitum*, When a Deed, Acquittance, or other Writing is in a Chancery Suit *exhibited* to be proved by Witneſſes, and the Examiner writes on the Back that it was ſhewed to ſuch a one at the Time of his Examination; this is there called *an Exhibit.* The Word is mention. 14 *Car.* 2. *cap.* 14.

Exhibitio, An Allowance for Meat and Drink, ſuch as the religious Appropriators made to the poor depending Vicar. So in all Churches appropriated to the Abbey of *Oſeney.* —— *Vicarius habebit ſufficientem* exhibitionem, *ſicut Canonici quoad victualia in menſa Canonicorum, ubi Canonici moram faciunt.* —— Paroch. Antiq. pa. 304. The Benefactions ſettled for maintaining of Scholars in the Univerſity, not depending on the Foundation, are now called *Exhibitions.*

Exigendary of the Common Bench, *Exigendarius de Banco Communi*, Is otherwiſe called *Exigenter*, 10 H. 6. *c.* 4. and is an Officer belonging to that Court, for which ſee *Exigenter.*

Exigent, *Exigenda*, Is a Writ that lieth where the Defendant in an Action perſonal cannot be found, nor any Thing within that County, whereby he may be attached or diſtrained; and is directed to the Sheriff, to proclaim and call him five County-Days one after another, charging him to appear under the Pain of Outlawry. *Termes de la Ley.* This Writ lieth alſo in an Indictment of Felony, where the Party indicted cannot be found. *Smith de Rep. Ang. lib.* 2. *c.* 19. It ſeemeth to be called an *Exigent*, becauſe it exacteth the Party, that is, required his Appearance, to anſwer the Law: for if he come not at the laſt Day's Proclamation, he is ſaid to be *Quinquies exactus*, and then is outlawed. *Crom. Juriſd. fol.* 188. And this *Manwood* alſo ſetteth down for the Law of the *Foreſt*, *c.* 18. See the *New Book of Entries, verbo Exigent.*

Exigenter, *Exigendarius*, 18 *H.* 6. *cap.* 9. Is an Officer of the Court of *Common Pleas*, of whom there be four in Number: They make all *Exigents* and Proclamations in all Actions, where Proceſs of Outlawry doth lie, and Writs of *Superſedeas*, as well as the *Protonotaries*, upon ſuch *Exigents* as were made in their Offices. But the making Writs of *Superſedeas* is ſince taken from them by an Officer in the ſame Court, erected by King *James* by Letters Patent, towards the later End of his Reign.

Exilium, Waſte, Deſtruction, as in the Statute of *Marlebridge* under *Hen.* III. *c.* 25. —— *Firmarii tempore firmarum ſuarum vaſtum, venditionem vel* exilium *non facient de domibus, boſcis, vel hominibus* —— where *exilium* relating to *Hominibus*, ſeems to be the Injury done to an Eſtate in reſpect of the Tenants, by altering their Tenure or Condition, by ejecting, advancing, remitting, &c. And this indeed is the Senſe that *Fleta* does expreſly determine. *Vaſtum & Deſtructio fere æquipollent, & convertibiliter ſe habent in domibus, boſcis & Gardinis, ſed* exilium *dici poterit, cum ſervi manumittuntur & a tenementis ſuis injurioſe ejiciuntur.* Fleta, lib. 1. c. 11.

Exitus, Iſſue, Child or Children.—— *qui genuit Robertum de Alſreton Baronem—— qui per Agnetem uxorem ejus habuit* exitum *Thomam Filium & Heredem.*—— Mon. Angl Tom. 2. p. 607. The Word is frequent in our old Law Writings, and in ſome Epitaphs, as on a Ground-ſtone in the Chancel of the Pariſh-Church of *Anerſden*, in the County of *Oxford.*——*Sepultus eſt hic Johannes Denton, filius primogenitus Johannis Denton & Magdalenæ uxoris ejus, nuptus Theodoretæ Blondell uni filiarum Johannis Blondell, & moriebatur ſine* exitu *e corpore ejus exeunte in vita prædicti Johannis ſeptimo die Septemb.* 1566.

Exitus, Iſſues, the Rents or Profits of Lands or Tenements: *Et ſciat vicecomes quod redditus, blada in grangia, & omnia mobilia præter equitaturam, inſtrumenta, & utenſilia domorum continentur ſub nomine* exituum.—— Stat. 11. Weſtm. cap. 43.

Exlegalitas, (*Calumniari de Exlegalitate*) is he who is proſecuted as an Outlaw. 'Tis mentioned in *Leg. Edw. Confeſſ. cap.* 38.

Ex mero motu Are Words formally uſed in any Charter of the Prince, whereby he ſignifieth, that he doth that which is contained in the Charter of his own Will and Motion, without Petition or Suggeſtion made by any other; and the Effect of theſe Words are to bar all Exceptions that might be taken unto the Inſtrument, wherein they be contained, by alledging, that the Prince in paſſing that Charter was abuſed by any falſe Suggeſtion. *Kitchin, fol.* 152. *Co. lib.* 1. *fol.* 45.

Ex Officio, By Virtue of a Branch of the Stat. 1 *Eliz. cap.* 1. the Queen by her Letters Patent might authoriſe any Perſon or Perſons, *&c.* to adminiſter an Oath *Ex Officio*, ſo called, becauſe the Eccleſiaſtical Judge did it *ex Officio ſuo*,) whereby the ſuppoſed Delinquent was compelled to confeſs, accuſe, or purge himſelf of any criminal Matter, and thereby be made liable to Cenſure or Puniſhment, *&c.* The Branch of which Statute relating to the ſaid Oath is repealed, 17 *Car.* 1. *cap.* 11.

Exoneratione ſectæ Is a Writ that lay for the King's Ward, to be diſburthened of all Suit, *&c.* to the County, Hundred, Leet, or Court-Baron, during the Time of his Wardſhip. *F. N. B. fol.* 158.

Exoſſatus ager, A Field without Stones.

Expalmare, To ſtrike with the Palm of the Hand. *Vide eum in horto ligatum, in atrio pontificis* Expalmatum, *i. e.* Buffetted, *Petr. Bleſenſis, Sermon.* 18 *de Chriſto.*

Ex Parte, (*Lat.*) Partly, or of one Part. In the Court of *Chancery* it hath this Signification: A Joint-Commiſſion is that wherein both Plaintiff and Defendant join. A Commiſſion *Ex parte* is that which is taken out and executed by one Party only.

Ex parte talis Is a Writ that lieth for a Bailiff, or Receiver, that having Auditors aſſigned to hear his Account, cannot obtain of them reaſonable Allowance, but is caſt into Priſon by them *F. N. B. fol.* 129. The Manner in this Caſe is to take this Writ out of the Chancery, directed to the Sheriff, to take the four Mainpernors, to bring his Body before the Barons of the Exchequer at a Day certain, and to warn the Lord, to appear at the ſame Time. *Terms de la Ley, verb.* Account.

Expectant Is uſed in the Common Law with this Word *Fee*, and thus it is oppoſite to Fee-ſimple. For Example, Lands are given to a Man and his Wife in *Frank-marriage*, to *Have and to Hold* to them and their Heirs. In this Caſe, they have Fee-ſimple: But if it be given to them, and the Heirs of their Body, *&c.* they have Tail and Fee *expectant. Kitchin, fol.* 153. *Matthæus de aſſiſiis* uſeth the Adjective *Expectativa* ſubſtantively in the ſame Signification, *Deſcis.* 292. *num.* 2. *pag.* 412.

Expedimentum, Bag and Baggage. *Dixit ſe non habere literas præ manibus, quia miſerat eas cum* Expedimento *ad Wintoniam.*

Expeditate, (*Expeditare vel Expealtare*,) in the Foreſt-Laws, ſignifies to cut out the Ball of Dogs Forefeet, for the Preſervation of the King's Game. Every one that keeps any great Dog, not *expeditated*, forfeits three Shillings and four Pence to the King. The Ball of the Foot of Maſtiffs is not to be cut off, but the three Claws of the Forefoot to the Skin. 4 *Part. Inſt. fol.* 308. ——— *Nullus Dominicos canes Abbatis & Monachorum* expealtari *cogat.* Charta. Hen. 3. Abbati de Rading,——— *Et ſint quieti de* Eſpeditamentis eanum. *Ex Magno Rot. Pipæ, de Anno* 9 *Ed.* 2.

I do not find this relates to Maſtiffs only, but to every Man's Dog who lived near the Foreſt, and to the Dogs of the Foreſters themſelves. And this *Expeditation* was to be done once in every three Years. *Du Freſne.*

Expeditatæ Arbores, Trees rooted up, or cut down to the Roots.——— *Inquiratur de querelis & aliis arboribus* expeditatis *in foreſta——— vel ſi aliquo ingenio alio dictas quercus cadere fecerint.*—— Fleta, lib. 2. cap. 41. Sect. 31.

Expenditores, *Anno* 37 *H.* 8. *cap.* 11. Seems to ſignify thoſe that pay, diſburſe, or *expend* the Tax in the Statute mentioned, by *Anno* 7 *Jac. cap.* 2. *Paymaſters.*— The Steward or ſworn Officer who ſupervifes the Repair of the Banks and Watercourſes in *Romney Marſh*, is now called the *Expenditor.*

Expenſis militum levandis Is a Writ directed to the Sheriff for levying the Allowance for Knights of the Parliament. *Reg. Orig. fol.* 191.

Expenſis militum non levandis ab hominibus de Dominico, nec a Nativis, Is a Writ to prohibit the Sheriff from levying any Allowance for the Knights of the Shire, upon thoſe that hold in antient Demeſne, *&c. Reg. Orig. fol.* 261.

Explees, ſee *Eſplees.* Some are of Opinion, that becauſe *Explees* are the full Profits of the Land, therefore the Word muſt be derived from the Lat. *Expleo:* But rather *Ex placito, viz.* from the Agreement made with the Lord to pay him ſo much *ex proventibus terræ.* For *Expletum* ſignifies thoſe Lands or Farms, the Profits whereof are taken by the Lord.

Explita, Explecia, Expleta, The Rents or mean Profits of an Eſtate in Cuſtody or Truſt. ——*Capiendo inde* Explitia *ad valentiam quinque ſolidorum & amplius.*——— Paroch. Antiq. p. 414. See *Eſplees.*

Explorator, A Scout, *In memoriam* Henrici Croft *equitis aurati*, Exploratoris *in Hibernia Generalis, qui obiit anno* 1609. where *Explorator Generalis* ſignifies *Scout-Maſter-General.* Sometimes alſo it is uſed for a Huntſman, as *Idem Abbas habens* exploratores *ſuos* (his Huntſmen) *ponere fecit retia, &c.* In *Itin. Pickering*, 8 Ed. 3. Rot. 4.

Extales, The Entrails. *Mures qui* Extales *corrodunt.* Petrus Bleſenſis, Epiſt. 100.

Extend, *Extendere*, In a legal Senſe denotes to value the Lands or Tenements of one bound by Statute,

Statute, &c. that hath forfeited his Bond, to ſuch an indifferent Rate, as by the yearly Rent the Creditor in Time be paid his Debt. The Courſe and Circumſtances hereof, ſee in *F. N. B. fol.* 131. *Brief de execution ſur Statute-Merchant.*

Extendi facias Is a Writ ordinarily called *a Writ of Extent*, whereby the Value of Land, &c. is commanded to be made and levied in divers Caſes, which ſee in the Table of the *Regiſter Original.*

Extent, *Extenta*, Hath two Significations, ſometimes ſignifying a Writ or Commiſſion to the Sheriff, for the Valuing of Lands or Tenements. *Reg. Judic. in Tabula.* Sometimes the Act of the Sheriff, or other Commiſſioner of this Writ. *Bro. Tit.* Extent, *fol.* 313. 16 & 17 *Car.* 2. *cap.* 5. And it more frequently ſignified the Eſtimate or Valuation of Lands, which when done to the utmoſt Value, was ſaid to be to the full *Extent*, whence our *extended* Rents or Rack-rents. *Hæc eſt* Extenta *terrarum*——— *de terris & tenementis Prioris de Durhurſte*———*quantum valeant inſtaurare, & quantum deinſtaurare.* Mon. Angl. tom. 1. p. 548. and in 2 *tom. fol.* 321. *Ad inquirendum Æſtimationem &* extentam *per probos viros.* Fleta, lib. 2. cap. 71.

Extinguiſhment, In our Laws ſignifies, an Effect of Conſolidation: For Example, If a Man have due to him a yearly Rent out of any Lands, and afterwards purchaſe the ſame Lands, now both the Property and Rent are conſolidated or united in one Poſſeſſor; and therefore the Rent is ſaid to be *extinguiſhed.* In like Manner it is, where a Man hath a Leaſe for Years, and afterwards buyeth the Property; this is a Conſolidation of the Property and the Fruits, and is an *Extinguiſhment* of the Leaſe. See *Terms de la Ley.* So if a Man have an Highway appendant, and after purchaſe the Land wherein the Highway is; then the Way is *extinct:* And ſo it is of Common appendant. But if a Man have an Eſtate in Land but for Life or Years, and hath Fee-ſimple in the Rent; then the Rent is not *extinguiſhed*, but in *Suſpence* for the Time; and after the Term, the Rent ſhall be revived. And if there be Lord, Meſne, and Tenant, and the Lord purchaſe the Tenancy, then the Meſnalty is *extinct*; but the Meſne ſhall have the Surpluſage of the Rent, if there be any, as Rent-ſeck. *Terms de Ley.*

Extirpare, To ſpend or loſe. In the Laws of *Edward* the Confeſſor, *cap.* 6. 'tis provided, That if a Thief take any Thing unlawfully, and is near at Hand, let him reſtore it; *Et ſi illud penitus* Extirpaverit, let him make the Owner full Satisfaction.

Extirpatione Is a Writ judicial, that lieth againſt him, who after a Verdict found againſt him for Land, &c. doth maliciouſly overthrow any Houſe upon it, &c. and it is two-fold, one *ante Judicium*, the other *poſt Judicium. Reg. Jud. fol.* 13, 56, 58.

Extocare, To ſtock up, to grub Wood-land, and reduce it to arable or Meadow.———*Dedi etiam eis pratum*——— *quod Rogerus de Tocheham de grava quadam* extocaverat.——— Mon. Angl. tom. 2. p. 71.

Extirpentur, for **Extorpentur.**

Extortion, *Extortio*, Is an unlawful or violent wringing of Money or Money-worth from any Man: For Example, If any Officer, by terrifying any the King's Subjects in his Office, take more than his ordinary Duties or Fees, he committeth this Offence, and is indictable for it. To this (ſaith Mr. *Weſt*) may be referred the Exaction of unlawful Uſury, Winning by unlawful Games; and in one Word, all taking of more than is due, by Colour or Pretence of Right, as exceſſive Toll in Millers, exceſſive Prices of Ale, Bread, Victuals, Wares, &c. *Weſt. Symbol. part.* 2. *Tit.* Indictments, *ſect.* 65. *Manwood* ſaith, That *Extortion* is *colore Officii*, and not *virtute Officii. Crompton* in his *Juſtice of Peace, fol.* 8. hath theſe Words, Wrong done by any Man, is properly a Treſpaſs, but exceſſive Wrong by any Man is called *Extortion*; and this is moſt properly in Officers, as Sheriffs, Mayors, Bailiffs, Eſcheators, and the like, that by Colour of their Office do great Oppreſſion, and exceſſive Wrong unto the People, in taking exceſſive Rewards or Fees, for the Execution of their Office: Great Diverſity of Caſes touching *Extortion*, you may read in *Crom. Juſtice of Peace*, fol. 48, 49, 50. See the Difference between *colore Officii* and *virtute vel ratione Officii*, Plow. fol. 64. *Dive's* Caſe. This Word is uſed in the ſame Signification in other Countries; for *Cavalcanes de brachio Regio.* part 5. num. 21. thus deſcribeth it, *Et* extortio *dicitur fieri, quando Judex cogit aliquid ſibi dari quod non eſt debitum vel quod eſt ultra debitum, vel ante tempus petit id, quod poſt adminiſtratam juſtitiam debetur.*

Extracta Curiæ, The Iſſues or Profits of holding a Court ariſing from the cuſtomary Dues, Fees, and Amercements. ———*Computant de tribus denariis receptis de* extractis *unius* Curiæ *tentæ apud Burceſter.*——— Paroch. Antiq. p. 572.

Extracts or Extreats. See *Eſtreats.*

Extra-judicial Is when Judgment is given in a Cauſe or Caſe not depending in that Court, where ſuch Judgment is given, or wherein the Judge has not Juriſdiction.

Extra-Parochial, Out of any Pariſh, privileged or exempt from the Duties of a Pariſh. *Stat.* 22 & 23 *Car.* 2. Of Subſidy.———

Extraria, The ſame with *Eſtray.*

Extravagante, Theſe are certain Conſtitutions of Popes, and are ſo called, becauſe they are *Extra Corpus Canonicum Gratiani, ſive* extra *decretorum libros* vagantur. *Du Cange.*

Extumæ, Relicks. ———*Abbas igitur & Conventus accipientes eorum* extumas *cum gaudio in majorem tranſtulerunt Eccleſiam in mauſoleo nobiliter exculpto.*——— Cartular. Abbat. Glaſton. MS. penes virum Rev. Dom. *Clarges*, f. 15.

Exuperare, To overcome. It ſometimes ſignifies to apprehend or take; as, Exuperare *alium vivum vel mortuum.* Leg. Edm. cap. 2. So in the Laws of King *Alfred apud Brompton, cap.* 7. Exuperetur *& in Epiſcopi judicio reſervetur.*

Ey, *Inſula*, An Iſland. *Domeſday.*

Eyery of Hawks. See *Aery.*

Eyet, *Inſuletta*, A ſmall Iſland or Iſlet: It is corruptly called by the Moderns vulgarly *an Eyght.*

Eyrar, An *Ey*, *Eyrie*, Brood, Neſt: Sir *Thomas Havyll* his Son and Heir entred to the ſaid ccc. Acres of Paſture, which *Thomas* releaſed his Title to the ſaid Poor, to have 1111. Couples of *Eyrare* Swannys (*i. e.* Brood-Swans) in the Water, with all Iſſue and Profits. ———*Munimenta Hoſpital. SS. Trinitat. de Pontefracto. MS. f.* 53.

Eyre. See *Eire.*

Eytendele, An old Meaſure of Corn. *Willielmus de Longo Campo Epiſcopus Elienſis ordinavit ut in die Anniverſarii ſui dentur pauperibus xiii.* Eytendeles *de frumento.* Hiſtor. Elien. apud Whartoni Angl. Sacr. P. 1. p. 633.

F.

F. Whoever maliciously shall strike any Person with a Weapon in the Church or Church-yard, or draw any Weapon there with Intent to strike, shall have one of his Ears cut off; and if he have no Ears, shall be marked on the Cheek with a hot Iron, with the Letter F. that he may be known for a Fighter, or Maker of Frays. 5 & 6 *E.* 6. *cap.* 4.

Fabricatura, *i. e.* Vessels made with Gold or Silver. *Item undecim ciphi argentei plani de una* Fabricatura.

Fabrick Lands Are *Lands* given to the Rebuilding, Repair, or Maintenance of Cathedrals, or other Churches, and mentioned in the Act *Of Oblivion*, 12 *Car.* 2. *cap.* 8. In ancient Time every one almost gave by his Will, more or less, to the *Fabrick* of the Cathedral or Parish-Church where he lived. And these were called *Fabrick-Lands*, because given *ad* Fabricam *Ecclesiæ reparandam. In Dei nomine Amen, &c. Die Veneris ante festum Nativitatis Sancti* Johannis Baptistæ, *Anno Domini*, 1423. *Ego* Richardus Smith *de Bromyard condo Testamentum meum in hunc modum, Imprimis lego animam meam Deo & beatæ Mariæ & omnibus Sanctis, Corpusque meum sepeliendum in Cœmeterio Beatæ Edburgæ de Bradway. Item lego* Fabricæ *Ecclesiæ Cathedralis Hereford* xii d. *Item lego* Fabricæ *Capellæ Beatæ Mariæ de Bromyard* xl d. *Item lego Fratribus de Woodhouse* xx d. *Residuum vero bonorum, &c.* These *Fabrick-Lands* the *Saxons* called *Timber-Londs*.

Facade, *i. e.* The Frontispiece of an House.

Facta Armorum, Feats of Arms, Justs, Tournaments—— *Rex Richardus in Angliam transiens statuit* Facta armorum *quæ vulgo Torneamenta dicuntur, in Anglia exerceri.*——Hist. Joh. Brompton in Ric. 1. p. 1261.

Factum, A Man's own Act or Deed.—— *Prædictus vero Willielmus postea per concordiam quietam clamavit libere & pacifice ab omni servitio dictam advocantiam——ut patet per* factum *suum.* Mon. Angl. tom. 2. p. 246.

Faculty, *Facultas*, As it is restrained from the original and active Signification, to a particular Understanding in Law, is used for a Privilege, or special Power granted unto a Man by Favour, Indulgence and Dispensation, to do that which by the Common Law he cannot do; as to eat Flesh upon Days prohibited, to marry without Banes first asked, to hold two or more Ecclesiastical Livings; the Son to succeed the Father in a Benefice, and such like. And for the granting of these, there is an especial Court under the Archbishop of *Canterbury* called *The Court of the Faculties*, and the Chief Officer thereof the Master of the *Faculties*, *Magister ad Facultates*, whose Power to grant as aforesaid, was given by 25 *H.* 8. *cap.* 21. See 28 *H.* 8. *cap.* 16. and 4 *par. inst. fol.* 337.—— Engl. *Anno* 4 *E.* 4. *cap.* 1.

Færbena, *i. e.* A Countryman.

Fæsting Men, *i. e.* Vassals. *Nec Rex suum pastum requirat, vel habentes homines, quos nos dicimus* Fæsting-men, *nec eos qui accipitres portant vel Falcones, &c.* Charta Cenulphi Regis Mercíorum in anno 821. In Monast. Anglican. tom. 1. p. 100. *Du Fresne* renders this Word *Homines commendati Vassalli, ex Sax.* Fæsting, *commendatus &* Man, *homo:* And says, *habentes idem valet ac divites.* But I rather think *Festing Men* and *habentes homines* mean rather Pledges, Sureties, or Boudsmen, which by *Saxon* Custom were fast bound to answer for one another's peaceable Behaviour.

Fag, *i. e.* A Knot or Excrescency in Cloth. 'Tis used in this Sense in the Sat. 4 *Ed.* 4. *cap.* 1. From the Sax. *Fece*, *Intervallum.*

Faggot, A Badge wore in Times of Popery on the Sleeve of the upper Garment of those who had recanted and abjured what the then Powers called Heresy. For those poor terrified Wretches were not only condemned to the Penance of carrying a *Faggot* to such an appointed Place of Solemnity, but for a more lasting Mark of Infamy, they were to have the Sign of a *Faggot* embroidered on one, and sometimes each Sleeve. And the leaving off this Badge or *Faggot* was often alledged as the Sign of Apostasy.

Faida, *i. e.* Malice or deadly Feud. *Et portet fractionem erga cognationem.* Leg. H. 1. cap. 88. From the Sax. *Fahth*, *Inimicitia.*

Faint, alias **Feint-Action**, (Fr. *Feint*,) is as much as *Feigned Action*, that is, such Action, as albeit the Words of the Writ be true, yet for certain Causes he has no Title to recover thereby. And a *false Action* is where the Words of the Writ are *false*. *Coke on Littl. fol.* 361. Yet sometimes they are confounded.

Faint-Plea (from the Fr. *Feinte*, *falsus*) signifies a false, covinous, or collusory Manner of Pleading, to the Deceit of a third Party. 34 & 35 *H.* 8. *cap.* 24.

Fairare, or **Fairandman**, *i. e.* A Vagrant. From the Sax. *Faran*, To go or wander.

Fair Pleading. See *Beaupleder.*

Faire, alias **Feyre**, (*Feria*) Cometh of the French *Foire*, and signifies as much as *Nundinæ* with the *Civilians*, that is, a solemn or greater Sort of Market, granted to any Town by Privilege, for the more speedy and commodious Provision of such Things as the Subject needeth, or the Utterance of such Things as we abound in above our own Uses and Occasions; both our *English* and the *French* Word seemeth to come of *Feriæ* because it is always incident to a *Fair* by Privilege, that a Man may not be molested or arrested in it for any other Debt, than what was first contracted in the same, or at least was promised to be paid there. 17 *E.* 4. *cap* 2. and 1 *R.* 3. *cap.* 6.

Fait, In Latin *Factum*, A Deed, which is a Writing sealed and delivered to prove and testify the Agreement of the Parties, whose Deed it is, and consists of three principal Points, *Writing*, *Sealing* and *Delivery*. By *Writing* is shewed the Parties Name to the Deed, their Dwelling-places, Degrees, Thing granted, upon what Consideration, the Estate limited, the Time when granted, and whether simply, or upon Condition, *&c.* 2. *Sealing* is a farther Testimony of their Consents, as appears by these Words, *In Witness whereof*, &c. *In cujus rei testimonium, &c.* without which the Deed is insufficient. In the Time of the *Saxons* our Ancestors they only subscribed their Names, commonly adding the Sign of the Cross, and in the End set down a great Number of Witnesses, not using any Kind of Seal, which Fashion continued until the *Norman* Conquest; whose Custom by little and little prevailing, brought in the Use of Seals. The first sealed Charter in *England*, is supposed to be that of *Edward the Confessor* to the Abbey of *Westminster*, which he being educated in *Normandy* brought thence: This Change is mentioned by *Ingulphus*, who came in with the *Conqueror*, in these Words,

Normanni Chirographorum confectionem (cum crucibus aureis & aliis signaculis sacris in Anglia firmari solitam) in ceram impressam mutant, modum scribendi Anglicum rejiciunt ; but this Custom was at first used only by the Nobility, as appears in the History of *Battel Abbey*, where *Richard Lucy* Chief Justice of *England*, in the Time of *Henry* the Second, is reported to have blamed a mean Person for using a Seal, which (he said) pertained only to the Nobility; yet, in *Edward* the Third's Time Seals became very common, according to every Man's Fancy. 3. *Delivery*, though it be set last, is not the least ; for after a Deed is written and sealed, if it be not delivered, it is to no Purpose: And therefore in all Deeds, Care must be taken that the Delivery be well proved.

Faitours (a *French* Word antiquated; for the modern *French* is *Faisour*, i. e. *Factor*) is used in the Stat. 7 *R.* 2. *cap.* 5. in the evil Part, signifying a bad Doer; or it may not improbably be interpreted an idle Liver, taken from *Faitardise*, which signifies a Kind of sleepy Disease, proceeding of too much Sluggishness, which the *Latins* call *Veternus*: For in the said Statute it seems to be synonymous with *Vagabond*.

Falany, A Jacket, or close Coat.

Falcatura, One Day's mowing or cutting Grass. *Falcare prata*, to cut or mow down Grass in Meadows hay'd, or laid in for Hay, was a customary Service for the Lord by his inferior Tenants; *Falcatura una*, was the Duty of one Time mowing; *Falcator* was the servile Tenant, performing this Labour; *Falcata* was the Grass fresh mow'd and laid in Swathes. See Mr. *Kennet's Glossary*, in *Falcare*.

Falco, A Falcon, *Falconarius*, a Falconer, *Falco Gentilis*, a Jer-falcon, *Falco Spuarius*, a Sparrow-Hawk. King *John*, in the 14. of his Reign, granted to *Owen Fitz-David*, and *Griffin Fitz-Rodber* ——— *tria cantreda tenenda per servitia subscripta* ——— *unam motam canum per annum, & decem leporarios, & omnes accipitres &* Falcones gentiles & Spuarios *dictorum trium Cantredorum* —— Pat. 14 Joh.

Falda, A Sheepfold, *Et quod oves sint levantes & cubantes in propria* falda *Canonicorum. prædictorum.* Rot. Cart. 16 Hen. 3. m. 6.

Faldage, *Faldagium*, Is a Privilege which anciently several Lords reserved to themselves, of setting up Folds for Sheep in any Fields within their Manors, the better to manure them; and this not only with their own, but their Tenants Sheep, which they called *Secta faldæ*. This *Faldage* in some Places they call *a Fold-course*, or *Free-fold*, and in some old Charters *Faldsoca*, that is, *Libertas faldæ* or *faldagii*. *Rogerus Rusteng concessit Ecclesiæ B. Mariæ de Wimondham* 40 *acras terræ in Scarnebrune, cum dimidia* Fald-soca, *&c.* Cartular. Monasterialis Eccleſiæ prædict. pag. 48. *De* Faldagio *habendo ad ducentos bidentes ; ad plus, in villa de Athebung.* Mon. Angl. 2 Par. fol. 275. a.

Faldæcursus, A Sheep-walk or Feed for Sheep. 2 *Ventris*, 139.

Faldata, A Flock or Fold of Sheep, as many as were usually folded in one Cote, Pen, or Fold. ———*Nullus in villa S. Edmundi potest aut debet habere* faldam *nisi Cellerarius, præter Henricum Aurifabrum qui potest habere* faldam *a parte villæ australi, sed* faldata *ejus non pascere ultra viam apud Herdenyk.* ——— Ex Cartular. S. Edmundi. MS. f. 327.

Faldfey or **Faldfee**, A Composition paid by some customary Tenants, that they might have Liberty to fold their own Sheep upon their own Land. *W. M. tenet* ix. *acras terræ Custumariæ in Bosbury & quoddam molendinum aquaticum ad voluntatem Domini, & debet quasdam consuetudines, viz. Tak, & Toll, &* Faldfey, *& sanguinem suum emere* Liber niger Heref. fol. 158. See *Faldage*.——— The Liberty of folding or penning Sheep by Night, is still in *Norfolk* called *Fouldage*.

Fald-gang-penyng is the Money paid by the Tenant to the Lord of the Soil, that he may be exempted from *Secta faldæ, i. e.* from Folding his Sheep in the Lord's Fold.

Faldistor, *i. e.* The highest Seat of a Bishop, inclosed with a Lettice. From the Sax. *Falde Septum*, and *Stor, Locus*.

Faldwurth signifies a Person of Age, that he may be of some Decennary: From the Saxon *Fald, Decuria*, and *Worth, Dignus*. See *Frankpledge. Volo ut Abbas, &c. habeat focam in omnibus super omnes homines qui sunt* Morthwrithi, Ferdwrithi, & Faldwrithi, *in isto Hundredo*. Du Fresne.

Faleræ, (Lat. *Phaleræ.*) *Cum Bigis & Curris & cæteris Faleris.* 2 Mon. Angl. fol. 256. b. The Tackle and Furniture of a Cart or Wain.

Falesia, A great Rock. *Concessi quod habeant longam viam super* Falesiam *petrariæ per totam longitudinem dicti* falesii. Mon. 2 Tom. pag. 165.

Falesia, and **Falazia**, (Fr. *Falaize*,) a Bank, Hill, or Down, by the Sea-side. *Coke on Littleton, fol. 5. b.*

Falk-land alias **Folk-land**. See *Copyhold* and *Freehold*.

Fallow-land. (Saxon *Fealta*) See *Warectum*.

Fallum, A Sort of Land *De duabus acris & viginti* Fallis *in Lairiwait*. Mon. Angl. 2 Tom. fol. 425.

Falmotum, **Falchesmota**, *Folkmote*, From Sax. *folk*, People, and *mote* or *gemote*, a Convention or Assembly; so as a *Falkmote* was a general Word for a common Meeting or general Assembly of the People, and did extend to three several Kinds of popular Concourse. 1. It signified a Common Council of all the Inhabitants of a City, Town, or Borough, and was then otherwise called the *Burgmote* or *Portmote*, convened often by Sound of Bell, called *Mote-bell*, to the *Mote-hall* or *Mote-house*. Or, 2. It was applied to a larger Congress of all the Free Tenants within a County, called the *Shire-mote*, where formerly all Knights and Military Tenants did their Fealty to the King, and elected the annual Sheriff on *Octob.* 1. 'till this popular Election, to avoid tumultuary Riots, was devolved to the King's Nomination, *Anno* 1315. 3 *Edw.* 2. After which the City *Folkmote* was swallowed up in a select Committee or Common Council, and the County *Folkmote* in the Sheriff's Turn and Assises. But 3. The Word *Folkmote* was sometimes of a less Extent, and denoted any Kind of populous and publick Meeting, as of all Tenants at the Court-Leet or Baron of their Lord. So as to a Charter of *Wido de Meriton*, about 10 *Hen.* 2. *Testes donationis sunt* Falco *Sacerdos de* Meriton, Luvellus *de* Hospath, & *totum* falmorum *meorum hominum & suorum.* ——— Paroch. Antiq. p. 120. See *Folkmote*.

False Claim Is, where a Man *claims* more than his Due: As the Prior of *Lancaster*, by Reason of a Charter, had the Tenth of all the Venison, *viz. In carne tantum sed non in corio.* And because he made a *False Claim*, and said, That he

he ought to have the Tenth of all Veniſon within the Foreſt of *Lancaſter*, as well *in Carne* as *in Corio*; therefore he was *in miſericordia de decima venationis ſuæ in Corio non perdendo*. Manwood's Foreſt Laws, *cap.* 25. *num.* 3.

False Imprisonment, *Falſum impriſonamentum*, Is a Treſpaſs committed againſt a Man by *impriſoning* him without lawful Cauſe: It is alſo uſed for a Writ which is brought upon this Treſpaſs, *F. N. B. fol.* 86, 88. *Vide Librum*, and the *New Book of Entries*, *verbo* False Impriſonment.

False Prophecies. See *Prophecies*.

Falſifie Seems to ſignifie as much as to prove a Thing to be *falſe*. *Perkins*, Dower, 383, 385. Alſo to ſay or do *falſly*; as to *falſify*, or counterfeit the King's Seal. *Rex*—— *Vic. Lincoln. Scias quod dedimus Adæ de Eſſex Clerico noſtro, pro ſervitio ſuo omnes terras & tenementa quæ fuerunt Will. de Scrubby, cujus terræ & tenementa ſunt excaeta noſtra, per Feloniam quam fe it de* falſificatione Sigilli noſtri *T. apud Linc.* 28 *Nov. &c.* Clauſ. 6 Joh. m. 12. in dorſo.

Falſo Judicio Is a Writ that lieth for *falſe Judgment* given in the County, Hundred, Court-Baron, or other Courts, being no Courts of Record, be the Plea Real or Perſonal. *Reg. Orig. fol.* 15. *F. N. B. fol.* 17. And the *New Book of Entries*, *verbo* Falſe Judgment.

Falsonarius, A Forger,—— *Et quod* falſonarios *Chartarum, & retonſores denariorum, ubi eos ſcient, detegent.* Hoveden. fol. 424. num. 40.

Falso retorno Brevium Is a Writ lying againſt the Sheriff, for falſe returning of Writs. *Reg. Judic. fol.* 43. *b.*

Famulatus, and Famfoluca, *i. e.* Trifles.

Familia, *i. e.* all the Servants belonging to a particular Maſter; in another Senſe 'tis taken for a Portion of Land, *viz.* As much as is ſufficient to maintain one Family, *viz.* & *confeſtim ei terram* 70 familiarum *largitur*. Simeon Dunelm. So in *Brompton*, *Dedit ei monaſterium triginta* familiarum *in loco*. Du Cange. Pro hida, maſſa, manſa, carucata—— *Donavit terram quinquaginta* Familiarum *ad conſtruendum Monaſterium*. Beda *Hiſt. Eccl. lib.* 4. *cap.* 3. This Term *Hide* is, by our Writers, ſometimes called a *Manſe*, ſometimes a *Family*, ſometimes *Carucata*, or a Plough-land; containing as much as one Plough and Oxen could cultivate in a Year. *Creſſy's Church Hiſt. fol.* 723. *b. Ubi* Beda Familiam, *Saxonicus ejus interpres coætaneus paſſim* hide *redderet*, *Anglo-Normannis* Carucata terræ. Gloſſ. in x. Script.

Fanatick, *Anno* 13 *Car.* 2. *cap.* 6. Is uſed as a general Name for *Quakers*, *Anabaptiſts*, and all other Sectaries and factious Diſſenters from the Church of *England*.

Fanatio, *Menſis Fanationis*, the Fawning-Time or Fence-month in Foreſts, fifteen Days before Midſummer, and fifteen Days after; when great Care was taken that no Diſturbance ſhould be given to the Does or their young Fawns. See Mr *Kennet's Gloſſary* in *Fannatio*. During this Time, by the *Laws of the Foreſt*, all Hunting is prohibited: *Prohibendum eſt etiam ad placitum Foreſtæ ne aliqua carretta exeat chininum in Foreſta Regis; neque porci ſint in Foreſta Regis tempore foineſun, viz.* 15 *diebus ante Nativitatem Sancti Johannis Bapt. & 15 diebus poſt idem Feſtum.* Hoveden, f. 784. See *Foineſun*.

Fanno, (from the Fr. *Faonner*) A Fawning or bringing forth Young, as *Deer* do Fawns. *Charta Foreſtæ*, *cap.* 8.

Fannatum frumentum, Wheat or Bread-Corn clean'd up or fann'd with a Wind-Fan or Knee-Fan.—— *Cellerarius Mon.* Wigorniæ *recipiet in ſeptimana decem ſextarios* frumenti Fannatos, *& decem mittas braſii*. Mon. Angl. tom. 1. p. 136. b.

Faranduman, (from the Sax. *Faran*, to Travel) According to the Interpretation of *Skene de verbor. Signif.* is a Merchant-Stranger, to whom, by the Laws of *Scotland*, Juſtice ought to be done with all Expedition, that his Buſineſs or Journey be not hindred.

Fardel of Land (*Fardella terræ*) Is according to ſome Authors, the fourth Part of a *Yard-land*; yet *Noy* in his *Complete Lawyer*, *pag.* 57 will have two *Fardels of Land* make a Nook, and four Nooks make a Yard-land.

Farding-deal, (Sax. *Feord*, *i. e. quarta*, and *Del*, or *Dole*, *pars*) alias Farundel of Land, *Quadrantata terræ*, ſignifieth the fourth Part of an Acre, *Crom. Jur. fol.* 220. *Quadrantata terræ* is read in *Reg. Orig. fol.* 1. *b.* where you have *Denariata & Obolata*, *Solidata & Librata terræ*, which probably muſt ariſe in Proportion of Quantity, as an Half-penny, Penny, Shilling, Pound, riſe in Value or Eſtimation; then muſt *Obolata* be half an Acre, *Denariata* an Acre, *Solidata* twelve Acres, and *Librata* twelve Score Acres: And yet I find *Viginti libratas terræ vel redditus. Reg. Orig. fol.* 94. and *fol.* 248. whereby it ſeemeth, that *Librata terræ* is ſo much as yieldeth twenty Shillings *per annum*, and *centum ſolidatas terrarum, tenementorum & reddituum*, fol. 149. And in *F. N. B. fol.* 87. are theſe Words, *Viginti libratas terræ vel redditus*, which argueth it to be ſo much Lands as yields twenty Shillings *per ann.* ſee *Furlong*. Others hold *Obolata terræ* to be but half a Perch, and *Denariata* a Perch. See *Spelm. Gloſſ. verbo* Obolata terræ, *Sciatis, &c. me* R. *de* J. *dediſſe Medietatem unius Feorwendel terræ, de meo Dominio, &c.* Mon. Angl. 2 par. fol. 913. b. At *Monkland* in *Herefordſhire*, they call it a *Verndal* of Land.

Farding, or Farthing of Gold, Seemeth to be a Coin uſed in ancient Times, containing in Value the fourth Part of a Noble, *viz.* twenty Pence in Silver, and in Weight the ſixth Part of an Ounce of Gold; that is, of five Shillings in Silver. This Word is uſed 9 *H.* 5. *cap.* 7. thus, *Item*, That the King do to be ordained good and juſt Weight of the Noble, half Noble, and Farthing of Gold, with the Rates neceſſary to the ſame for every City, *&c.* By which Place it plainly appeareth to have been a Coin, as well as the Noble and half Noble. *Knighton*, in the Year 1345, ſaith, *Eodem anno nobile & obolus & Ferthing de auro cœperunt florere in Anglia.*

Fare Signifies a Voyage or Paſſage, or according as we now uſe it, Money paid for paſſing by Water. 2 & 3 *P. & M. cap.* 16.

Farinagium,—— *Et quod de cætero Molendinarius non capiat* Farinagium, *&c.* Ordinationes Juſtin. in inſula de Jerſey. 17 *Edw.* 2. It ſeems to ſignify Toll of Meal or Flower.

Farley, or Farleu, In the Manor of *Weſt Slapton in Com. Devon.* if any Tenant die poſſeſſed of a Cottage, he is by the Cuſtom to pay to the Lord Six-pence for a *Farley*; which I ſuppoſe may be in *Lieu* of a *Heriot*: For in ſome Manors *Weſtward*, they diſtinguiſh *Farleu* to be the beſt Good, as *Heriot* is the beſt Beaſt, payable at the Tenant's Death.

Farlingarii, Whoremongers, Adulterers, from the Sax. *Forlicgean*, *Fornicari.*

Farinarium, *i. e.* a Mill, *ubi ex frumento mixto farina conficitur.*

Farm, See *Ferme*, from the Sax. *Feorm*, *i. e.* Food, and this from *Feorman*, *i. e.* to feed. In the Laws of *Canutus*, in 67. *Fearm*, Mr. *Lambard* renders *victum*, ſo *reddere firmam unius noctis*, and *reddebat unum diem de firma*, is ſo much Proviſion for a Night and a Day; for about the Time of *William* the Conqueror, the Rents were reſerved in Proviſions, which was altered by *H.* 1. It is uſually the chief Meſſuage in a Village or Town, whereto belongs great Demeans of all Sorts, and hath been uſed for Term of Life, Years, at Will. The Rent reſerved upon ſuch a Leaſe, is called *Farm*, and the Tenant or Leſſee *Farmor*. See *Ferme*, and *Spelm. Gloſſ. verbo* Firma.

Farthing, in Sax. *Feorthling*, was the fourth Part of a *Saxon* Penny, and frequently in Uſe among them. See *Penny.*

Farthing of Land, (Sax. *Feordling*) Seems to be a great Quantity, and differs much from *Farding-deal*; for in a Book *Of Survey of the Manor of* Weſt-Slapton *in* Com. Devon, there is an Entry thus made, *A. B.* holds ſix *Farthings of Lands* at 126 *l. per annum.* See *Fardel* and *Farding-deal. Farthing* always imported the fourth Part. And therefore *Quarter-Rials*, or Pieces of Gold that paſſed for two Shillings ſix Pence the fourth Part of a *Rial* current at ten Shillings, were called *Rial-Farthings* in an Indenture of the Mint. 1 *Hen.* 6.

Farundel, The ſame with *Farding-deal.*

Faſma, *i. e.* A Language, *viz. A Latino Rhetborico* faſmate *in propriam vertit linguam volumina.* Du Cange.

Faſſus, A Fagot, Fr. *Faiſſeau.*—— *Conceſſit Abbati duos* faſſos *dorſales ramorum groſſorum boſci ipſius.* Mon. Angl. tom. 2. p. 238.

Faſtermanne, *i. e.* Pledges, from the Sax. *Fæſt*, *firmus*, and *Man*, *homo. De emptionibus ſine fidejuſſionibus quod Anglice vocant* Faſtermannes. *Leg. Edw. Confeſſor. cap.* 33.

Fat, or Vate, Is a great wooden Veſſel, which among Brewers and Malſters is ordinarily uſed at this Day to meaſure Malt by for Expedition, containing eight Buſhels, or a Quarter, mentioned 1 *H.* 5. *cap.* 10. 11 *H.* 6. *cap.* 8. It is alſo a leaden Pan or Veſſel for the Making of Salt at *Droitwich* in the County of *Worceſter*, whereof the ſeveral Owners or Proprietors do claim Eſtates of Inheritance and Burgeſs-ſhip. Alſo a great brewing Veſſel uſed by all Brewers to run their Wort into.

Fathwit, (*LL. Hen.* 1. *cap.* 70.) perhaps the ſame with the Sax. *Fenth-vode*, *i. e. Factionum ſeu inimicitiarum multa ſeu compenſatio.*

Fatua mulier, A Whore. *Cum quadam* fatua muliere *nudus in lecto cum nuda extitit deprehenſus.* Du Freſne.

Fauſetum, A *Faucet*, a muſical Pipe or Flute. —— *Organum tamen & decentum, fauſetum & Pipeth omnino in divino officio omnibus noſtris utriuſque ſexus interdicimus.* Regul. Ordinis de Sempringham. p. 717.

Fautors, 16 *R.* 2. *cap.* 5. Are Favorers, Supporters or Abettors.

Fayling of Record, *Fayler de Record*, Is, when an Action is brought againſt one, who pleads any Matter of Record, and avers to prove it by *Record*: And the Plaintiff ſaith, *Nul tiel Record*, whereupon the Defendant hath a Day given him to bring it in, at which Day if he *fails*, or brings in ſuch a one as is no Bar to this Action; this is ſaid to be a *Failure of Record*, &c. *Terms de la Ley*, 346.

Faytour, Seemeth to be a *French* Word antiquated, or ſomething traduced; for the modern *French* Word is *Faiſeue*, that is, *Factor*: It is uſed in the old Statute, 7 *R.* 2. *cap.* 5. and in the evil Part, ſignifying a bad Doer. It may not improperly be interpreted an idle Liver, taken from *Faitardiſe*, which ſignifies a Kind of Numneſs or ſleepy Diſeaſe, proceeding of too much Sluggiſhneſs, which the *Latins* call *Veternus*; for in the ſaid Statute it ſeemeth to be a *Synonymon* with Vagabond.

Feal, The Tenants by Knights-Service did ſwear to their Lord to be *feal and leal*, *i. e.* faithful and loyal. See *Spelman* of Parliaments, *pag.* 59.

Fealty, *Fidelitas*, Cometh of the French *Feaulte*, that is *Fides*, and ſignifieth in our Common Law an Oath, taken at the Admittance of every Tenant, to be true to the Lord, of whom he holdeth his Land: And he that holdeth Land by this only Oath, holdeth in the freeſt Manner that any Man in *England* under the King may hold: Becauſe all with us that have Fee, hold *per fidem & fiduciam*, that is, by *Fealty* at the leaſt. *Smith de Repub. Angl. lib.* 3. *cap.* 8. For *Fidelitas* is *de ſubſtantia feudi*, as *Duarenus* ſaith, *de Feud.* cap. 2. num. 4. And *Matthæus de afflictis deſcis*, 320. num. 4 pag 465. ſaith, That *Fidelitas eſt ſubſtantiale feudi, non ſervitium*: The Particulars of his Oath, as it is uſed among the *Feudiſts*, you may read well expreſt by *Zaſius*, in his *Tractate de feudis*, *part* 7. *num.* 15, 16. which is worth the Comparing with the uſual Oath taken here in *England.* This *Fealty* is alſo uſed in other Nations, as the *Lombards* and *Burgundians. Caſſaneus de conſuet. Burgund. pag.* 419, 420. And indeed the very Creation of this Tenure, as it grew from the Love of the Lord toward his Followers, ſo did it bind the Tenant to Fidelity, as appeared by the whole Courſe of the *Feods*; and the Breach thereof is the Loſs of the Fee. *Duarenus in Commentariis feudorum*, cap. 15. num. 4. *& ſequen. Antonius Contius in methodo feudorum*, cap. *quibus modis feudum amittitur. Hotoman* in his *Commentaries de verbis feudalibus*, ſheweth a double *Fealty*, one general, to be performed by every Subject to his Prince; the other ſpecial, required only of ſuch as in reſpect of their Fee are tied by this Oath to their Landlords: We may read of both in the *Grand Cuſtumary* of *Normandy*, being of Courſe performed to the Duke by all reſiant within the Dutchy. This *Fealty* ſpecial is among us performed either by Freemen or Villains. The Form of both ſee in *Anno* 14 *E.* 1. *Stat.* 2. in theſe Words, When a Freeman ſhall do *Fealty* to his Lord, he ſhall hold his right Hand upon a Book and ſay thus, *Hear you my Lord* R. *that I* A. B. *ſhall be to you faithful and true, and ſhall owe my* Fealty *to you, for the Land that I hold of you, and truly ſhall do you the Cuſtoms and Services that I ought to do to you at the Terms aſſigned: So help me God, and all his Saints.* And ſhall Kiſs the Book, but he ſhall not kneel. When a Villain ſhall do *Fealty* to his Lord, he ſhall hold his right Hand over the Book, and ſay thus, *Hear you my Lord* R. *that I* R. F. *from this Day forth unto you ſhall be true and faithful, and ſhall owe you* Fealty *for the Land which I hold of you in Villenage, and ſhall be juſtified by you both in Body and Goods*;

So help me God, and all his Saints. See *Reg. Orig. fol.* 302. *a.* Fidelitas (ſaith *Spelman*) *eſt fidei, obſequii & ſervitii ligamen, quo generaliter ſubditus Regi, particulariter Vaſſallus, domino aſtringitur.*

It is uſually mentioned with *Homage*, but it differs from it; for *Homage* conſiſts in the Taking an Oath when the Tenant comes to his Land, and is done but once, and ſo is the Oath of *Fealty*, but that is an Obligation which is permanent, and binds for ever. Theſe differ alſo in Manner of the Solemnity, for the Oath of *Homage* is taken by the Tenant kneeling, but that of *Fealty* is taken ſtanding, and includes ſix Things, which are compriſed in theſe Words, *Incolume, tutum, utile, honeſtum, facile, poſſibile*; *Incolume*, that he do no bodily Injury to the Lord; *Tutum*, that he do him no ſecret Injury in any Thing which is for his Defence, as in his Houſe or Caſtle; *Honeſtum*, that he do him no Injury in his Reputation; *Utile*, that he do not damage him in his Poſſeſſions; *Facile & poſſibile*, that he make it eaſy and not difficult for the Lord to do any good, which otherwiſe he might do, nor make that impoſſible to be done which before was in his Power to do: All which is likewiſe compriſed in *Leg. H.* 1. *cap.* 5. *Omnis homo fidem det Domino ſuo de vita & membris ſuis & terreno honore & obſervatione conſilii ſui per honeſtum & utile, fide dei ſalva & terra principis ſalva.*

Feaſts. See *Dedicare* and *Dedication.*

Sed rurſum redeamus in atria, conſpice curſum
Impoſitas longis duplicato tegmine Cellas
Porticibus, metanda bonis habitacula digne,
Quos huc ad Sancti juſtum Felicis honorem
Duxerit orandi ſtudium, non cura bibendi:

For at firſt they annually came to pray to the Saint to whom the Church was dedicated, but afterwards only to eat and drink, and exerciſe themſelves in Sports.

Feda, *Item ſciendum eſt quod quatuor virgatæ terræ & dimid. debent ſeminare & arare novem Seviones terræ, in quibus ſeminabunt novem Trugas frumenti, quæ vocatur* Feda. Liber niger Heref. fol. 53.

Fee, *Feudum vel feodum*, Cometh of the *French* Word *Fief*, i. *prædium beneficiarium, vel res clientelaris*, and is uſed in our Common Law to ſignify divers Things: As firſt, all thoſe Lands which we hold by perpetual Right, as *Hotoman* well noteth *verbo Feodum, de verbis feudalibus.* Our ancient Lawyers have not expreſſed what they fully meant by it, but only ſay, that by this Name go all Lands and Tenements that are held by any Acknowledgment of Superiority to a higher Lord. They that write of this Subject, divide all Lands and Tenements where a Man hath a perpetual Eſtate to him and his Heirs, &c. into *Allodium*, & *feudum*. 1. *Allodium* they define to be every Man's own Land, &c. which he poſſeſſeth merely in his own Right, without Acknowledgment of any Service, or Payment of any Rent to another; and this is a Property in the higheſt Degree. 2. *Feudum* is that which we hold by the Benefit of another, and in the Name whereof we owe Service, or pay Rent, or both, to a ſuperior Lord: And all our Land here in *England* (the Crown-Lands being in the King's own Hands, in the Right of his Crown excepted) is in the Nature of *Feudum* or *Fee*; for though many have Land by Deſcent from their Anceſtors, and others have dearly purchaſed Land with their Money; yet is the Land of ſuch a Nature, that it cannot come to any either by Deſcent or Purchaſe, but with the Burthen that was laid upon him, who had *Novel Fee*, or firſt of all received it as a Benefit from his Lord to him and to all ſuch to whom it might deſcend, or any Way be conveyed from him. So that in Truth no Man hath *directum Dominium*, the very Property or Demain in any Land, but only the Prince in the Right of his Crown. *Camb. Brit. pag.* 93. For though he that hath *Fee*, hath *jus perpetuum & utile Dominium*, yet he oweth a Duty for it, and therefore it is not ſimply his own; which Thing, I take thoſe Words, that we uſe for the expreſſing of our deepeſt Rights in any Lands or Tenements, to import: For he that can ſay moſt of his Eſtate, ſays thus, *I am ſeiſed of this or that Land or Tenement in my Demain as of* Fee, *Seiſitus inde in Domini o meo ut de feudo*, and that is as much as if he ſaid, it is my Demain or proper Land after a Sort, becauſe it is to me and my Heirs for ever; yet not ſimply mine, becauſe I hold it in the Nature of a Benefit from another. Yet the Statute of 37 *H.* 8. 16. uſeth theſe Words of Lands inveſted in the Crown; but it proceedeth from the not knowing the Nature of this Word *Fee*; for *Fee* cannot be without Fealty ſworn to a Superior, as you may read partly in the Word *Fealty*, but more at large in thoſe that write *de feudis*, and in particular *Hotoman* both in his *Commentaries* and *Diſputations.* And Note, that Land, &c. with us is termed *Fee* in two Reſpects, one as it belongeth to us and our Heirs for ever, the other as it holdeth of another. *Britton, cap.* 23. defineth it thus; *Fee* is a Right conſiſting in the Perſon of the true Heir, or of ſome other that by juſt Title hath purchaſed it. *Fleta* ſaith, *Feudum eſt quod quis tenet ex quacunque cauſa ſibi & hæredibus ſuis, ſive ſit tenementum ſive redditus qui non proveniunt ex camera, & alio modo dicitur feudum, ſicut ejus qui feoffant, & quod quis tenet ab alio ſicut dicitur, talis tenet de tali tot feuda per ſervitium militare.* Lib. 5. cap. 5. ſect. *feudum autem.* And all that write *de feudis*, hold, that *feudatarius* hath not an intire Property in his *Fee.* But the Definition of Sir *Henry Spelman* is moſt intelligible. A *Feud* is a Right which the Vaſſal hath in Land or ſome immoveable Thing of his Lord's, to uſe the ſame, and take the Profits thereof hereditarily, rendring unto his Lord ſuch *feudal* Duties and Services as belong to military Tenure, the mere Propriety of the Soil always remaining to the Lord. *Spelman of Feuds, cap.* 1. The Diviſions of *Fee* in divers Reſpects are many, and worthy to be known; but we divide them only into *Fee abſolute*, otherwiſe termed *Fee-ſimple*; and *Fee conditional*, otherwiſe called *Fee-tail. Fee-ſimple, feodum ſimplex*, is that of which we are ſeiſed in theſe general Words, To Us and Our Heirs for ever. *Fee-tail, feodum taliatum*, is that whereof we are ſeiſed to Us and our Heirs, with Limitation, that is, the Heirs of our Body, &c. And this *Fee-tail* is either *general* or *ſpecial: General* is, where Land is given to a Man and the Heirs of his Body; the Reaſon whereof is given by *Littleton, lib.* 1. *cap.* 2. becauſe a Man ſeiſed of Land by ſuch a Gift, if he marry one or more Wives, and have no Iſſue by them, and at length marry another by whom he hath Iſſue; this Iſſue ſhall inherit the Land. *Fee-tail ſpecial*, is that, where a Man and his Wife be ſeiſed of Lands to them and the Heirs of their two Bodies. The Reaſon

is

is given likewiſe by *Littleton* in the ſame Place, becauſe in this Caſe the Wife dying without Iſſue, and he marrying another by whom he hath Iſſue; this Iſſue cannot inherit the Land, being ſpecially given to ſuch Heirs, &c. This *Fee-tail* hath the Original from the Statute of *Weſtm.* 2. *cap.* 1. made 13 *E.* 1. Yet ſee *Bracton*, *lib.* 2. *cap.* 5. *num.* 3. *in his verbis*, *Item quædam abſoluta & larga*, *& quædam ſtricta & coarctata ſicut certis hæredibus.* To whom add *Plowden*, *fol.* 235. *Willion's* Caſe; for before that Statute, all Land given to a Man and his Heirs, either *general* or *ſpecial*, was accounted in the Nature of a *Fee*; and therefore held to be ſo firmly in him to whom it was given, that any Limitation notwithſtanding, he might alien, and ſell it at his Pleaſure, much like that which the *Civilians* call *Nudum præceptum*, binding rather by Counſel and Advice, than Compulſion or Reſtraint. But this ſeeming unreaſonable to the Wiſdom of our Realm, that a Man meaning well to this or that Poſterity of himſelf, or his Friends, might be forthwith deceived of his Intention; the ſaid Statute was made for Redreſs of that Inconvenience, whereby it is ordained, That if a Man give Lands in *Fee*, limiting the Heir, to whom it ſhall deſcend, with a Reverſion to himſelf or his Heirs, for Default, &c. that the Form and true Meaning of his Gift ſhall be obſerved: He then that hath *Fee*, holdeth of another by ſome Duty or another, which is called *Service*; and of this Service, and the Diverſity thereof, ſee *Chivalry* and *Service*. Secondly, This Word *Fee* is ſometimes uſed with us for the Compaſs or Circuit of a Manor or Lordſhip. *Bracton*, *lib.* 2. *cap.* 5. *In eadem villa & de eodem feodo.* Thirdly, It is uſed for a perpetual Right incorporeal, as to have the Keeping of Priſons in *Fee*. *Old Nat. Brev. fol.* 41. *Foſter* in *Fee*, *eod. fol.* 6. Rent granted in *Fee*, *eod. fol.* 8. Sheriff in *Fee*, 28 *E.* 1. *Stat.* 3. *cap.* 8. Laſtly, It is taken for a Reward or Wages given to one for the Execution of his Office, as the *Fee* of a Foreſter, of a Keeper of a Park, or of a Sheriff for ſerving an Execution, limited by 20 *Eliz. cap.* 4. And alſo for that Conſideration given a Serjeant at Law or Counſellor, or a Phyſician, for their Counſel and Advice in their Profeſſion, which, as it is well obſerved by Sir *John Davis*, in his *Preface to his Reports*, is not properly *Merces*, but *Honorarium*; yet in the Law Language it is called a *Fee*.

Fee-Expectant Is by the *Feudiſts* termed *feudum expectativum*, or *expectativa* ſubſtantively uſed. *Matthæus de afflictis diſcis.* 292. *nu.* 2. *pag.* 417. See *Expectant*.

Fee-Farm, *Feudi firma*, Is a compound of *Fee*, and *ferme*, *prædium*, and ſignifieth in a legal Senſe Land held of another in *Fee*, that is, in Perpetuity to himſelf and his Heir, for ſo much yearly Rent as it is reaſonably worth, more or leſs, ſo it be the fourth Part of the Worth, (*Old Tenures*. See *Expoſition of the Statute of* Glouceſter, *Anno* 6 *E.* 1.) without Homage, Fealty, or other Services, other than be ſpecially compriſed in the Feoffment; but by *Fitzherbert* in his *Nat. Brev. fol.* 210. it ſeemeth, that the third Part of the Value may be appointed for the Rent, or the Finding of a Chaplain to ſing Divine Service, &c. And the Nature of it is thus, that if the Rent be behind and unpaid for the Space of two Years, then the Feoffor, or his Heirs, have an Action to recover the Lands as his Demeſnes. *Britton*, *cap.* 66. *num.* 4. But obſerve, that *Weſt* in his *Symbol*, *part* 1. *lib.* 2. *ſect.* 463. ſays that the Feoffment may contain Services and Suit of Court, as well as Rent. And in *Terms de la Ley*, that *Fee-farm* oweth Fealty, tho' not expreſſed in the Feoffment, for that Fealty belongeth to all Kind of Tenures; this is near the Nature of that which, among the *Civilians*, is called *Ager Vectigalis*, *qui in perpetuum licetur i. hac lege*, *ut quamdiu pro eo Vectigal pendatur*, *tamdiu neque ipſis qui conduxerunt*, *neque iis qui in locum eorum ſucceſſerunt*, *auferri eum liceat.* The *Fee-farm* Rents remaining to the Kings of *England* from their ancient Demeſnes, were many of them alienated from the Crown in the Reign of King *Charles* II. But how doubtful Men are of the Title to Alienations of any Nature, is evident from this, that whilſt theſe Rents were expoſed to Sale for Ready Money, ſcarce any would deal for them, and they remained unſold, till the Method of doubling Orders did a little help; but that which made Men earneſt indeed to buy them, was the Stop upon ſome of his Majeſties other Payments, which made Men to reſort to this as the moſt eligible in that Conjuncture. *Vid. Reaſonable Defence of ſeaſonable Diſcourſe*, p. 27.

Feed alias **Feud**, *Feida* alias *fayda*, Signifieth in the *German* Tongue, *Guerram*, that is, *Capitales inimicitias. Hotoman* Diſput. *De feudis*, *cap.* 2. *Lamb.* in his Expoſition of *Saxon* Words, writes it *Feeth*, and ſaith likewiſe, that it denotes *Capitales inimicitias*: And alſo that *Feud* now uſed in *Scotland*, and in the North Parts of *England*, is the ſame, that is, a Combination of Kindred, to revenge the Death of any of their Blood againſt the Killer, and all his Race. See *Skene de verbor. Signif. verbo* Affidatio.

Feilus, A ſmall Bundel, an Armful. ——— *Omnes iſti debent prata Domini falcare*, *levare & carriare*, *& habebunt unum multonem & unum caſeum*, *& quilibet habebit unum* Feiſum *de herba*, *& omnes homines villæ debent ſinguli dimidiam acram metere.* Cartular. Abbat. Glaſton. MS. f. 40. a.

Felagus, (*quaſi fide cum eo ligatus*) A Companion, but particularly a Friend who was bound in the *Decennary* for the good Behaviour of another. So *in Legibus Inæ*, *cap.* 15. 'tis ſaid, if the Murderer could not be found, &c. the Parents of the Deceaſed ſhould have ſix Marks, and the King forty; if he had no Parents, then the Lord ſhould have it: *Et ſi dominium non haberet*, Felagus *ejus.*

So in *cap.* 35. where a Man hath Liberty to diſpoſe his Arms by his laſt Will to his Heirs; and if he had none, then the Lord ſhould have them, if no Lord, then *Felagus ſuus*, if he had any ſuch, but if none, then to the King. See *LL. W. per H. Hunt. MS. fol.* 199. *a.*

Feld is a *Saxon* Word, and ſignifies a Field, and therefore, *Feld Cyric* is a Country-Church, *Feld Huſe* is a Tent: In its Compound it ſignifies Wild, as *Feld Huning* is wild Honey, *Feld Mynt*, is wild Mint, &c.

Fele Homages, *i. e.* faithful Subjects, from the Sax. *Fay*, i. e. *Fides.*

Felo de ſe is he that commits Felony by murdering himſelf. See *Crom. Juſtice of P. fol.* 28. and *Lamb. Eiren. lib.* 2. *cap.* 7. The *Saxons* called him *Self-bana*, Self-bane.

Felony,

Felony, *Felonia*, Seemeth to come of the French *Felonie*, (i.) *impetuositas*. *Felonia*, saith *Hotoman*, *de verbis feudalibus*, *non contumaciam vassalli in Dominum*, *injuriave in Vassallum perfidiam significat*, *verum quodvis capitale facinus*. And again, Felonia *Gothis & Longobardis dicitur quod Germanis hodie* Schelmarey, *Latinis* Scelus. Sir *Edward Coke* says, *Ideo dicta est* felonia, *quia fieri debet* felleo *animo*. lib. 4. f. 124. *Hostiensis in sua summa*, Tit. *de Feudis*, and others write of it thus, *Est culpa vel injuria propter quam Vassallus amittit feudum*, *&c.* But we account any Offence *Felony*, that is in Degree next Petit Treason, and compriseth divers Particulars, as Murder, Theft, killing of a Man's Self, Sodomy, Rape, wilful burning of Houses, and such like, which are to be collected out of the Statutes, which have made many Offences *Felony* that before were not. *Felony* is differenced from lighter Offences in this, that the Punishment thereof is Death, yet not in all Cases: For *Petit Larceny*, which is the Stealing of any Thing under the Value of twelve Pence, is *Felony*, as appeareth by *Broke* Tit. *Coron. num.* 2. his reason is, because the Indictment against such a one must have these Words, *Felonice Cepit*; and yet this is not punished by Death, though it be Loss of Goods. Any other Exception I know not, but that a Man may call that *Felony*, which is under *Petit Treason*, and punished by Death. Before the Reign of *H.* 1. *Felonies* were punished by pecuniary *Fines*; but he was the first that ordered *Felons* to be hang'd, *viz.* about the Year 1108. Of *Felonies* there may be reckoned two Sorts, one lighter, that for the first Time may have the Benefit of the Clergy, another that may not. And these you may learn to know from the Statutes; for Clergy is allowed, where it is not expresly taken away. Of this read *Staundf. pl. cor. lib.* 1. from the End of the second Chapter to the thirty-ninth, and the Statutes. See also *Lambard's Justice of Peace*, *lib.* 2. *cap.* 7. in a Table drawn for that Purpose. And also *lib.* 4. *cap.* 4. *pag.* 404. And *Cromp. Justice of Peace*, *fol.* 32, *&c.* *Felony* is also punisht by Loss of Lands not entailed, and Goods and Chattels as well real as personal; and yet by the 37 *H.* 8. *cap.* 6. a Difference is made in some Cases touching Land. This Offence ordinarily worketh Corruption of Blood, unless expresly provided against by Statute, as 39 *Eliz. cap.* 17. How many ways *Felony* may be committed, see *Termes de la Ley*, *p.* 357, 358. and *Spelm. Glossary*, and Mr. *Kennet's Glossary*, in *Felonia*.

Feltrum, A Course Hat, a *Felt*. See *Filtrum*

Feme-Covert Is a married Woman, who is also said to be under *Covert-Baron*, 27 *Eliz.* 3.

Femella, *i. e.* a Woman. 'Tis mentioned in *Fleta*, *lib.* 2. *c.* 1. *p* 17. *De* Femellis *nubilibus maritos competentes refutantibus*, *&c.*

Fence-month, *Mensis vetitus*, Is a *Month* wherein it is unlawful to hunt in the Forest, because in that Time the Female Deer do fawn. It being always fifteen Days before *Midsummer*, according to the Charter of the Forest, *viz. In initio quindecim dierum ante festum Sancti* Johannis Baptistæ, *quando Agistatores nostri conveniunt pro feonatione bestiarum nostrarum*; and it doth end fifteen Days after *Midsummer*, which is upon St. *Cyril's Day*: And here observe, That every common *Month* is but twenty-eight Days, but the *Fence-month* is thirty-one Days, *Assisa Foresta de Pickering*, *fol.* 20. Serjeant *Fleetwood* in his *Collection of the Forest-Laws*, *fol.* 5. saith, That the *Fence-month* hath always been kept with Watch and Ward in every Bailiwick through the whole Forest since the Time of *Canutus*. *Manwood's* Forest-Laws, *c.* 23. and 20 *Car.* 2. *c.* 3. Some ancient Foresters do call this *Month*, *The Defence-month*, because then the Deer are to be defended from Scare or Fear. There are also certain *Defence-months*, or Seasons for Fish, as appears by *Westm.* 2. *cap.* 47. 13 *E.* 1. in these Words, *All Waters where* Salmons *be taken shall be in* Defence *for taking of* Salmons *from the Nativity of our Lady*, *unto St.* Martin's Day, *and likewise that young* Salmons *shall not be taken nor destroyed by Nets*, &c. *from the midst of* April, *to the Nativity of St.* John Baptist. See also 13 *R.* 2. *Stat.* 1. *c.* 19.

Fengeld, A Tax or Imposition exacted for the Repelling of Enemies. *MS. Antiq.* See *Flintwit*.

Feod, The Learned Sir *Henry Spelman* gives this Definition: A *Feud* is a Right which the Vassal hath in Land, or some immoveable Thing of his Lord's to use the same, and take the Profits thereof hereditarily: Rendring unto his Lord such feodal Duties and Services as belong to military Tenure, the meer Propriety of the Soil always remaining unto the Lord. *Spelman of Feuds and Tenures*, c. 1.

Feodal, *Feodalis vel feudalis*, Of or belonging to the Fee, Fee-farm, or Fee-simple. *An.* 12 *Car.* 2. *cap.* 24.

Feodalitas, Feodality or Fidelity paid to the Lord by his feodal Tenant. ——— *fecit* feodalitatem *suam*, *prout decet*, *dicto Domino*. Cartular. Radings. MS.

Feodary, Feudary or Feudatory, *Feudatarius*, Was an Officer in the *Court of Wards*, appointed by the Master of that Court, by Virtue of the Statute 32 *H.* 8. *cap.* 46. to be present with the Escheator in every County at the finding of Offices, and to give in Evidence for the King as well for the Value as the Tenure: His Office also was to Survey the Lands of the Ward after the Office found, and to return the true Value thereof into Court; to assign Dower unto the King's Widow, to receive all the Rents of the Wards Lands within his Circuit, and to answer them to the Receiver of the Court. This Officer is mentioned 32 *H.* 8. *cap.* 46. and is wholly taken away by 12 *Car.* 2 *cap.* 24. And in some ancient Writings it appears, that Noblemen had their particular *Feodaries*. *Humfrey Count de Stafford & de Perch Seigneur de Tunbridge & de Caus*, *a nostre* Feodier *en le Counte de Warwick*, *&c. Sachez que nous*, *&c.* Dat. 17 H. 6. See Mr. *Kennet's Glossary*, in the Word *Feodary*.

Feodatary, The Tenant who held his Estate by *feodal* Service. These Grantees to whom Lands in Feud or Fee were granted from a superior Lord, were called generally in our *Latin* Characters, *Homines*, Men or *Homagers*, and in some other Writings are termed Vassals, Feuds, and *Feudataries*. At the first Institution of *Beneficia*, or *Fees*, (as they were afterwards called) they were revocable at the Will of the Lord, Patron, or Donor, when he pleased. Afterward they were granted for a *Year*, and then for the *Life* of the *Feudatory* or Vassal, then in Process of Time they became successive to the Heirs Male, and by Degrees hereditary to the Female. See Dr. *Brady* in his *Glossary*, *p.* 39.

Feoditas for *Fidelitas*, i. e. *Fealty*. 'Tis mentioned in *Thorn*, *Anno* 1281. *Facit ei redditum, relevium*, Feoditatem, *sectam Curiæ*, &c.

Feodum Militis seu Militare. A Knight's Fee, which by vulgar Computation contained Four hundred and eighty Acres, as Twenty-four Acres made a Virgate, four Virgates a Hide, and five Hides one Knight's Fee, for which the common Relief paid to the King or other Lord was One hundred Shillings. Yet no doubt, the Measure was uncertain, and differed with Times and Places See Mr. *Kennet's Glossary*.

Feodum Laicum, A Lay-Fee, or Land held in Fee, from a Lay-Lord by the common Services to which military Tenure was subjected; in Opposition to the Ecclesiastical holding in *Frank-almoigne* discharged from those Burdens. See Mr. *Kennet's Glossary*.

De Feoffamento veteri & novo, These Phrases began in the Reign of *Hen.* II. when those Knights or military Tenants who had been enfeoffed in any Fees or Parts of a Fee at or before the Death of King *Henry* I. were said *tenere feoda de veteri Feoffamento*. But those, who had been infeoffed in their Lands after the Death of the said King, were said *tenere de novo Feoffamento*.

Feoffment, *Feoffamentum*, By the Opinion of Sir *Thomas Smith de Repub. Anglor. lib.* 3. *cap.* 8. and *West. part.* 1. *Symb. lib.* 2. *sect.* 280. is descended from the *Gothish* Word *Feudum*, which we interpret *Fee*, and signifieth *donationem feudi*: But (as the same *West* addeth) it signifieth in our Common Law any Gift or Grant of any Honours, Castles, Manors, Messuages, Lands or other corporeal and immoveable Things of like Nature unto another in Fee-simple, that is, to him and his Heirs for ever, by the Delivery of Seisin, and the Possession of the Thing given, whether the Gift be made by Deed or Writing: And when it is in Writing, it is called *a Deed of Feoffment*, and in every *Feoffment* the Giver is called *the Feoffor*, *Feoffator*, and he that receiveth by Virtue of the same, *Feoffee*, *Feoffatus*. And *Littleton* saith, That the proper Difference between a *Feoffor* and a Donor is, that the *Feoffor* giveth in Fee-simple, and the Donor in in Fee-tail. *Lib.* 1. *c.* 6. It is the ancient and most necessary Conveyance, because solemn and publick; and also because it cleareth all Disseisins, Abatements, Intrusions, and other defeasible Estates, where the Entry of the *Feoffor* is lawful, which neither Fine, Recovery, nor Bargain or Sale by Deed indented and inrolled doth. *Ephron* enfeoffed *Abraham*, *Gen.* 23. See *Co.* on *Lit. lib.* 1. *cap.* 1. *sect.* 1.

Feoffor and Feoffee, *Feoffor*, is he that infeoffs, or makes a Feoffment to another of Lands or Tenements in Fee-simple. And *Feoffee* is he that is infeoffed, or to whom the Feoffment is so made.

Feorm, Among our *Saxon* Ancestors, those who held the Outlands of the Lord or Thane, as customary Tenants, rendred unto him a certain Portion of Victuals and Things necessary for Humane Life. This Rent or Retribution they called *Feorm*, which Word in the *Saxon*, signified any Meat or Victuals. And though we have ever since *Hen.* II. Time, changed this Reservation of Victuals into Money, yet in letting our Lands, we still retain the Name of *Farms* and *Farmers*. See *Spelman of Feuds*, chap. 7.

Feorwendel a Quarter of an Acre, *Medietatem unius* Feorwendel *terræ in eadem villa, & alteram medietatem quam Augerus tenet.* From the Sax. *Feorth, quartus.* Mon. 2 Tom. p. 93.

Fera Regalis, *i. e.* a Stag. *Est autem Staggus cervus cujus venatio* regalis *dicitur.*

Pectebatque feram, puroque in fonte lavabat.
Virgil. Æn. 8.

Ferdella terræ Is ten Acres. See *Virgata* and *Fardel.*

Ferdendel. See *Farding-deal.*

Ferdfare (from the Sax. *Fyrd, exercitus*, and *Fare, iter,*) Significat quietantiam eundi in Exercitum. *Fleta, lib.* 1. *cap.* 47. ——*Et sint quieti de* Fictwite, Flectwite, & Ferdwite, & Hengewite, & Leirwite, &c. *Charta* 11 *H.* 3. *m.* 33. *See* Firdfare.

Ferdingel, the fourth Part of a Yard-land, *i. e.* five Acres, or a fourth Part of a Plough-land. *Huic manerio pertinet consuetudo ista de* Ferdingel 30 *denar.* Du Cange.

Ferdwit *Significat quietantiam murdri in exercitu.* Fleta, *lib.* 1. *cap.* 47. that is, to be quit of Murder committed in the Army, & *sint quieti de Fictwite, Flictwite, &* Ferdwite, & *Hengwite, & Leirwite, &c.* Charta, 11 H. 3. m. 33.

Ferdwite was indeed a Fine or Mulct imposed for not going forth in a military Expedition, to which Duty all Persons who held Land, were in Necessity obliged. And therefore a Neglect or Omission of this common Service to the Publick was punished with a pecuniary Mulct of 120 *s.* called the *Ferdwite*; which Penalty was remitmitted, and Immunity from it granted by several Charters.

Ferdwurth, *alias* Fredwurth, *quasi* Firdworth: A Man of that Age, that he might go into the Army: From the Sax. *Fird, exercitus*, and *worth, dignus.* See *Faldwerth.*

Feretrum, a Coffin: *Amici extrahunt mortuum deferentes in* Feretrum. *Leg. H.* 1. *cap.* 36.

Feria secunda, *Monday*, or the second Day of the Week. *Feria tertia, Tuesday*, and so on to *Feria sexta, Saturday.* Hence the Week-Days, as distinguished from *Sunday*, the Profane from the Sacred, were called *Dies Feriales*, as in this Charter. ——— *Nos Willielmus Prior Ecclesiæ* Elyen' & *Conv.* ——— *Concessimus Johanni Dounham Capellano Scholam nostram Grammaticalium* —— *sub hanc conditione* —— *ut celebrabit per tres dies* feriales *in capella Ellemosynariæ nostræ, & per alios tres dies* feriales *in capella S. Mariæ, diebus vero dominicis ubicunque voluerit celebrabit.* ——— Dat. 28. Mart. A. D. 1448. ——— *Ex Cartular. Eccl. Elyensis. MS. penes Joh. Episc. Norwic. f.* 36.

Feria, A Fair, at first occasioned by the Resort of People to the Feast of Dedication, and therefore in most Places the Fairs (by old Custom, not by later Grants) are on the same Day with the Wake, or Festival of that Saint to whom the Church was dedicated, and for the same Reason kept in the Church-yard, till by Authority restrained. See Mr. *Kennet's Glossary*, in *Feriæ.*

Feriæ, Furz, Sax. *fyrs.* ——— *Item diximus per sacramentum quod non vidimus tempore Henrici & Richardi quondam Regum Angliæ, quod aliquis redderet decimas de* feriis *aut degenestis aut de fossis ubi prius fuerint demandatæ.* ——— *Conventio facta apud* Rhotomagum *inter Clerum & Barones, A. D.* 1205.

Ferial-Days, (*Dies Feriales*) *Feriæ*, (according to the *Latin* Dictionary) ſignifies *Holy-days*, or *Days* vacant from Labour and Pleading: But in the Stat. 27 *H.* 6. *c.* 5. and in *Forteſcu, de laudibus* LL. *Angliæ*, *Ferial-days* are taken for Working *Days*; for *S. Silveſter* obtained, —— *Sabbati & Dominici dies nomine retento, reliquos hebdomadæ dies* feriarum *nomine diſtinctos, ut jam ante in Eccleſia vocari cœperant, appellari.* So that *Ferial-Days* are properly all the *Days* of the Week, except *Saturday* and *Sunday*.

Ferling. *Ferlingus*, The fourth Part of a Penny, *Quadrans*. *Quando quarterium frumenti venditur pro* 12. *denar. tunc panis Waſtelli de* Ferlingis *ponderabit* 5. *lib. &* 16. Sol. Aſſiſ. panis & cerviſ. 51 H. 3. *Cambden* in his *Brit.* Tit. *Huntingdon* ſays, There were in this Borough four *Ferlings*, that is, Quarters of Wards.

Ferlingata terræ, and *Ferlingus*, the fourth Part of a Yard-Land. *Decem acræ faciunt unam* Ferlingatam, 4 Firlingatæ *virgatam*, 4 *Virgatæ hidam*, & 5 *Hidæ feodum militare.* Eſc. 12 E. 2. n. 18 Ebor. In ancient Records is uſed both *Ferlingus & Ferdlingus terræ.* See *Mon. Ang.* 2. *par. fol.* 8. My Lord *Coke* tells us that *Ferdlingus terræ* is the ſame as a Quarentine of Land, and that it contains thirty-two Acres. But I find a Quarentine is no more than forty Perches, which is but one Acre. *Du Cange.*

Ferm or Farm, *Firma*, Cometh of the French *Ferme*, *prædium*, and ſignifieth with us Houſe or Land, or both, taken either by Indenture of Leaſe, or Leaſe-parol. This in the North Parts is called a *Tacke*, in *Lancaſhire* a *Form-holt*, in *Eſſex* a *Wike*. We may conjecture, that both the *French* and *Engliſh* Word came from the Latin *firmus*; for I find *locare ad firmum* to ſignify with others as much as to ſet or let to *Farm* with us; the Reaſon whereof may be in reſpect of the ſure Hold they have beyond Tenants at Will. *Vide Vocabul. utriuſque juris, verbo* Afflictus. In the *Terms of the Law* it is derived from the Saxon *Feormian*, which ſignifieth to feed or yield Victual. For in ancient Time the Reſervations were as well in Victuals as Money: How many ways *Farm* is taken, ſee *Plowden, fol.* 195. *Wriotheſley's* Caſe. See *Feorm.*

Fermary, an Hoſpital: Friars of the *Fermary*: From the Sax. *Feorme, Victus.*

Fermeholt. See *Wyke.*

Fermiſona, (from the Sax. *Feorme, i. e.* Food, or Feeding,) the Winter Seaſon of Deer, as *Tempus Pinguedinis* is the Summer Seaſon. *Quod idem* Hugo *& hæredes ſui de cætero quolibet anno poſſunt capere in prædicto Parco* (de Blore) *unam damam in* Fermiſona *inter Feſtum Sancti* Martini *& Purif. Beatæ Mariæ, & unum damum in* Pinguedine *inter Feſtum Sanctæ Crucis in Mayo & Feſtum S. Crucis in Septembr. imperpetuum: Ita quod qualemcunque beſtiam tempore* Pinguedinis *vel* Fermiſonæ *herſaverint, vel cum prædictis canibus ceperint, illa beſtia eis remanebit; & ſi ſit in* Fermiſona *allocabitur eis pro dama, & ſi ſit in* Pinguedine, *allocabitur eis pro dame, &c.* Fin. Concor. in Curia Dom. Regis apud Litchfield coram Roger. de Turkilby, &c. inter Hugonem de Acovre quer. & Wil. de Aldetheley Defore. *Penes Will. Dugdale, Mil.* See *Tempus Pinguedinis.*

Rex —— dilecto Ric. Caſſel *cuſtodi Manerii de* Bruſtwyk *ſalutem. Cum mittamus dilectum Valletum noſtrum* Johannem de Fulham *ad inſtantem* Fermiſonam *in Parcis noſtris ibidem, prout vobis & ſibi melius ad opus noſtrum fore videritis faciend. capiend. Vobis mandamus, &c.* Clauſ. 30 Ed. 1. m. 18.

Fernigo, A waſte Place where *Fern* grows —— *Retentis Abbati* Glaſtoniæ *& ejuſdem loci Conventui piſcaria de* fernigine *& toto arundineto ejuſdem manerii.* —— Cartular. Abbat. Glaſton. *MS. fol.* 536.

Ferramentum. *Dedi autem poteſtatem dicto P. quod poſſit prædictum W. & hæredes ſuos, vel quemcunque qui dictum molendinum tenuerit per* Ferramenta *dicti molendini, & per omnia averia ſua, & per terras & tenementa pro prædicto redditu diſtringere, &c.* Charta Gilb. Talbot Mil. ſine dat. By *Ferramenta* are here meant the Iron Tools or Inſtruments of the Mill. *Et reparare* Ferramenta *ad tres Carucas, i. e.* The Iron Work of three Ploughs. *Lib. niger Heref.*

Ferrandus, An Iron Colour attributed to Horſes, which we ſtill call an *Iron Grey.* —— *Ecce puer de foro veniens quæſivit cujuſmodi equum haberet ille Archidiaconi cliens, & cum audiret* ferrandum, *dixit ſe quendam talem equitatum vidiſſe.* Girald. Camb. *apud Whartoni Angl. Sacr. P.* 2. pag. 494.

Ferruere, The ſhooing of Horſes. See *Bouche of Court.*

Ferſchet, A *Fare* or *Fare-ſcot*, The euſtomary Payment for a Paſſage over a River, or eroſſing a *Ferry* in a Ferry-Boat with *Faring-Men*, or *Feres*, or Paſſengers.

Ferſpeken, To ſpeak ſuddenly. *Nemo poteſt de feudo Domini ſui placitare ſine eo, nec cogi debet rectum ejus* ferſpeken, (*i. e.* to ſpeak ſuddenly,) *nec* ferſpillam, (*i. e.* to give a haſty Account,) *de omnibus cauſis communibus vel emendabilibus implacitetur aliquis, ſi petierit debet habere terminum requirendi & habendi Dominum ſuum.* Leg. H. 1. c. 61.

Feſta in Cappis Were ſome chief Holidays, in which the whole Choir wore Caps. *In* Feſtis quæ in Cappis *fiunt & maxime præcipuis.* Vitæ Abbat. S. Alban. p. 80, 83.

Feſtingmen, *Ut illud Monaſterium ſit liberatum ab illis incommodis, quæ nos Saxonica lingua* Feſtingmen *dicimus.* Mon. Ang. 1. par. fol. 123. a.

The Saxon *Feſtennion* ſignifies *Fidejuſſor*, a *Pledge*; ſo that to be free of *Feſtingmen*, in all Probability is to be free of *Frank-Pledge*, and not to be bound for any Man's forth-coming, who ſhould tranſgreſs the Law.

Feſting-Penny, Earneſt given to Servants when hired or retained, is ſo called in ſome Northern Parts of *England*, and in others it is termed *Arles Penny*, from the Saxon *Feſtnian*, to faſten or confirm.

Feſtum Properly ſignifies a Feaſt, but it is uſually taken for a General Court which was formerly kept on the great Feſtivals in the Year. Thus we read in our Hiſtorians, that in ſuch a Year the King kept his *Chriſtmas* at *Wincheſter*, &c. that is, he kept a Court there at that Time, *viz. Rex apud Winton maximum* Feſtum *& Convivium celebravit, tempore Natalis Domini, convocatis ibidem Principibus & Baronibus totius Regni.*

Feſtum S. Michaelis Is that Day in which the Chriſtians fought with the Infidels, and obtained a Victory by the Help of St. *Michael*, now called *Michaelmas-Day.*

Feſtum nativitatis B. Mariæ Was thus inſtituted, *viz.* A melancholy Man, who led an holy Life, did every Year hear the melodious Harmony of Angels in Heaven: At which being wonderfully ſurprized, and being one Day very earneſt

neſt in Prayer, an Angel told him that on that Day the Virgin *Mary* was born; and becauſe the Day of her Birth was not known on Earth, therefore it was celebrated by the Angels. This being told to the Church, that Day was afterwards ſet apart to commemorate her Birth. *Honor. Auguſtud. Lib.* 3. *cap.* 16.

Feud, or **Feed**, (*Feida*, alias *Faida*,) ſignifies in the *German* Tongue *Guerram*, *i. e. Belluni. Lambard* writes it *Feeth*, and ſaith it ſignifies *Capitales inimicitias. Feud* is uſed in *Scotland*, and the North of *England*, for a Combination of Kindred to Revenge the Death of any of their Blood againſt the Killer, and all his Race, or any other great Enemy. See *Skene*, *verbo Affidatio*, and 43 *El. cap.* 13.

Feudal. See *Feodal.*

Feudary. See *Feodary.*

Feud-bote Is a Recompence for engaging in a *Feud* or Faction, and the contingent Damages; it having been the Cuſtom of ancient Times, for all the Kindred to engage in the Kinſman's Quarrel; according to that of *Tacitus*, *De moribus Germanorum*, *ſuſcipere tam inimicitias ſeu patris*, *ſeu propinqui*, *quam amicitias neceſſe eſt.*

Feugera. *Inter antiquas conſuetudines Abbatiæ de Sancto Edmundo.* ——— *Tota paſtura brueræ de Herdwyk pertinet ad Cellerarium*, *ut nullus poſſit ibidem paſcere neque aliud quid facere aliquo tempore anni ſine licentia Cellerarii*, *præter* feugeram *brueræ quæ pertinet ad tenentes de Herdwyke.* Cartular. Edmundi *MS. f.* 328.

Feugerium, and **Fugerium**, (from the Fr. *Fougiere*, i. e. *Fern.*) *Et de omnimodo Aiſiamento Bruerii*, *Quarrerii*, *Turbarii*, *Juncii*, & Feugerii *ad domos ſuas cooperiendas*, *&c.* Mon. Angl. 2 Part. fol. 610. b. Common of *Feuger*, i. e. *Fern*, for one's Uſe. See *Fugerium.*

Fictale, **Fildale** and **Filkdale.** *Bracton*, *lib.* 3. *fol.* 117. A Compotation or Entertainment made for Gain by Bailiffs to thoſe of their Hundreds, or rather according to *Co.* 4. *Inſt. fol.* 307. An Extortion *colore compotationis.* See *Scotale.*

Fictwita, a Sort of Payment anciently uſed in *England*; but of how much *non conſtat. Et nolo ut aliqua* Fightwita *vel Mambota condonatur.* Leg. Edm. cap. 3.

Fidem mentiri, *i. e.* when a Tenant doth not keep that Fealty which he hath ſworn to the Lord. *Galf. Monmouth*, *lib.* 8. *cap.* 2. *Huntingdon*, *pag.* 390. *Leg. H.* 1. *cap.* 53.

Fieri facias Is a Writ Judicial, that lieth at all Times within the Year and Day, for him that hath recovered in an Action of Debt or Damages, to the Sheriff, to command him to levy the Debt or the Damages of his Goods againſt whom the Recovery was had. This Writ had Beginning from *Weſtm.* 2. *c.* 18. *Anno* 13 E. 1. See *Old Nat. Brev. f.* 152. See alſo great Diverſity thereof in the Table of the *Regiſter Judicial*, *verbo* Fieri facias. See alſo *Scire facias*, and Title *Execution.*

Fieria, *Feria*, A Fair, In a Charter of *Alan de Creoun*, granted to the Monks of *Croyland.* ——— *Præterea concedimus eis decimam denariorum de* fieria *noſtra de* Botulfston. —Petr. Bleſen. Contin. Hiſt. Croyland, p. 126.

Fiffch, ——— *Epiſcopus Heref. quietus eſt de Stretward*, *Hundredſeh*, *Wardfeh*, *Reyingpein* & Fiffch & *franco plegio.* Butterfield's *Survey*, *f.* 246. *Quere.*

Fiffuls, a certain Meaſure of Corn; but of how much *non conſtat. Et in eiſdem feſtivitatibus ſingulos* Fuffuls *de frumento ad waſtellos de granario.* Monaſt. 1 Tom. p. 149. *Habere debent Monachi ſingulos* Fuffuls *de granario ad waſtallos. Ibid.*

Fifteenth, *Decima quinta*, Is a Tribute or Impoſition of Money laid upon a City, Borough, or other Town, through the Realm; not by the Pole, or upon this or that Man, but in general upon the whole City or Town, and ſo called, becauſe it amounted to a *Fifteenth* Part of that which the City or Town hath been valued at of old; or to a *Fifteenth* Part of every Man's Goods and perſonal Eſtate, according to a reaſonable Valuation. This is now impoſed by Parliament, and every Town through the Realm knoweth what a *Fifteenth* for themſelves doth amount to, becauſe it is perpetually the ſame. Whereas the Subſidy, which is raiſed of every particular Man's Lands or Goods, muſt needs be uncertain, becauſe the Eſtate of ſeveral Men is uncertain. And in that regard, a *Fifteenth* ſeems to be a Rate anciently laid upon every Town, according to the Land or Circuit belonging to it: Whereof *Cambden* in his *Brit.* makes frequent Mention, particularly *pag.* 168. of Wells in *Somerſetſhire*, thus, *Quo tempore ut teſtatur cenſualis Angliæ liber*, *Epiſcopus ipſum oppidum tenuit*, *quod pro quinquaginta hidis geldavit.* And *pag.* 172. Of Bath, *Geldabat pro viginti hidis*, *quando ſchira geldabat.* Thirdly, *pag.* 181. *Old Sarum* or *Salisbury*, *pro quinquaginta hidis geldabat.* And theſe Rates were taken out of *Domeſday-Book* in the *Exchequer.* So that in old Time this ſeemed to be a yearly Tribute in Certainty; whereas now, though the Rate be certain, yet it is not levied but by Parliament. See *Tax* and *Quinzime.*

Fightwite, A Saxon Word, ſignifying a *Mulct* of 120 Shillings, for making a Quarrel to the Diſturbance of the Peace. So that *Fightwite* is truly *forisfactura pugnæ*, *Multa ob commiſſam pugnam in perturbationem pacis. In exercitu Regis* 120 *Sol. luebatur* Fightwita, *i. e. Forisfactura pugnæ.* MS. Codex.

Filacer, *Filazarius*, Poſſibly derived from the Latin *filum*, a Thread, is an Officer in the *Common Pleas* (ſo called) becauſe he *files* thoſe Writs whereupon he makes Proceſs. There are Fourteen of them in their ſeveral Diviſions and Counties, they make out all original Proceſs, as well real as perſonal and mixt; and in Actions meerly perſonal, where the Defendants be returned or ſummoned, there goeth out the Diſtreſs infinite until Appearance; if he be returned *Nihil*, there Proceſs of *Capias* infinite, if the Plaintiff will; or after the third *Capias*, the Plaintiff may go to the *Exigenter* of the Shire, where his Original is grounded, and have an Exigent or Proclamation made. Alſo the *Filacer* maketh all Sorts of Writs of View, in Cauſes where the View is pray'd; and upon all Replevins or *Recordare's*, Writs of *returno habendo*, Second Deliverance, and *Withernam.* They enter all Appearances and ſpecial Bails upon any Proceſs made by them. They make the firſt *Scire facias* upon ſpecial Bails; Writs of *Habeas Corpus*, *Diſtringas Nuper vicecomitem vel Ballivum* and *Duces tecum*, and all *Superſedeas* upon ſpecial Bail, or otherwiſe; Writs of *Habeas corpus cum cauſa* upon the Sheriff's Return, that the Defendant is detained with other Actions; Writs of Adjournment of a Term, in caſe of Peſtilence, War, or publick Diſturbance, and (until

(until an Order of that Court made 14 *Jac.* which limited the *Filacers* to all Matters and Proceedings before Appearance, and the *Protonotaries* to all after) did enter Declarations, Imparlances, Judgments and Pleas, whereunto a Serjeant's Hand was not requisite; and made out Writs of Execution, and divers other Judicial Writs after Appearance. And in the *King's Bench* of later Times, there have been *Filacers* who make Proceſs upon original Writs returnable in that Court, upon Actions *contra pacem*. The *Filacers* of the *Common Pleas* having been Officers of that Court before the Statute of 10 *H.* 6. *cap.* 4. wherein they are mentioned.

Filacium, The File or Thread upon which Writs or looſe Papers are *filed* up together, to preſerve them. —— *Iſtud breve eſt in* Filaciis *Mareſchalli*. Will. Thorn. Hence *Cuſtodes Filaciorum*, or File-keepers in our Courts of Judicature, were called *Filacers*.

Fildale, *quaſi*, Field-Ale: A Sort of Drinking in the Field by the Bailiffs of the Hundreds; for which they gathered Money of the Inhabitants of that Hundred. It was prohibited in the Days of *Bracton*, *lib.* 3. *fol.* 117. According to Sir *Edward Coke's* 4 *Inſt. fol.* 307. an Extortion *Colore Compotationis*. The true Word is *Fild-ale*, *Quod Compotationem in Campis ſignificat*. See *Scotale*.

File, *Filacium*, Is a Thread or Wire, whereon Writs and other Exhibits in Courts and Offices are *filed*, for the more ſafe Keeping of them. *File* alſo ſignifies Attaint; from the Sax. *Fylan*, *inquinare*.

Filicetum, and **Filictum**, a Ferny Ground. 1 *Inſt. fol.* 4. *b. Ubi filices creſcunt*.

Filiolus is properly a little Son, alſo a God-ſon. *Sciant* —— *quod ego Johannes Lovet Miles Dominus de Elmeley-Lovet, Dedi Waltero le Blount fratri meo, & Johanni Filio ſuo*, Filiolo *meo, quindecim ſolidos annui redditus*, &c. Sine dat. Here *Filiolus* is uſed for a Nephew; for *Walter Blount* married the Siſter of this Sir *John Lovet*, unleſs *John* the Son were alſo Godſon to Sir *John*. Filiolus, *quem de ſacro fonte ſuſcepit*. Dudg. Warwickſhire. fol. 697.

Filkale. See *Sothale* and *Fictale*.

Filtrum, *Feltrum*, A Covering for the Head made of coarſe Wool, not wove, but cottoned together; a Hat, a Felt. —— *Archidiaconum ultimo venientem, ut mos habebat, ultimus ipſorum juvenis ſcil. uxoris Præpoſiti Frater, ſub* filtro *pluviali ipſum attentius intuens, quæſito ſtatim nomine ipſius & audito, dixit ei, quod parumper expectaret*, &c. Giraldus Cambren. apud Whartoni Angl. Sacr. P. 2. pag. 594.

Filum Aquæ Is the Thread or Middle of the Stream, where a River parts two Lordſhips; —— *Et habebunt iſtas buttas uſque ad* Filum Aquæ *prædictæ*. Ex Reg. Priorat. de Wormley, f. 3. a. Vide etiam Mon. Angl. 1 par. f. 390. a. *Et de makemio facto in groſſis navibus in medio* alti Fili *groſſarum ripariarum*, &c. Rot. Pat. 4 H. 6. m. 11. par. 2. *Et totam illam partem nemoris ſui, quæ eſt inter* Filum Aquæ *de Ebroc.* & Filum Aquæ *de Tame*. Reg. de Leic. in Bibl. Cot. f. 2. Et Pla. Cor. Mich. 18 E. 1. Rot. 56. *Haut file du Mer*; the high Tide of the Sea. *Rot. Parl.* 11 *H.* 4. *n.* 61. —— *Quoddam foſſatum quondam fuit jacens inter manerium prædicti Abbatis de Andredeſey*, & filum aquæ *uſque ad pontum de Bledeneburgh*. Ex Cartular. Abbat. Glaſton. MS. f. 88. b.

Fimitium, (i. e. *Tempus quo agri fimantur.*) 'Tis mentioned in the *Monaſticon*, 1 *Tom. pa.* 256. *Percepit Prior* 4 *acras frumenti & 5 avenæ in Culturis poſt* Fimitium, *ex liberatione ſervientis*.

Fimojare, (i. e. *Fimare.*) *Terra Sabulonoſa* Fimo *puro non* Fimoretur. *Fleta*, *lib.* 2. *c.* 76. *par.* 3.

Finary. See *Blomary*.

Finders, 18 *E.* 3. *Stat.* 1. and 14 *R.* 2. *c.* 10. Seem to be all one with thoſe whom now we call *Searchers*. See 17 *R.* 2. *cap.* 5. 1 *H.* 4. 13. and 31 *H.* 6. *c.* 5. They are employ'd for the Diſcovery of Goods imported or exported, without paying Cuſtom.

Fine, *Finis*, Hath divers Applications in the Common Law, ſometimes being uſed for a formal or ceremonious Conveyance of Lands or Tenements: Or as *Weſt* ſaith, Tit. Fines, *ſect.* 25. of any Thing inheritable, being *in eſſe tempore finis*, to the End to cut off all Controverſies. The ſame *Weſt* in his 2 *par. Symbol. ſect.* 1. thus defines it, To be a Covenant made before Juſtices, and entred of Record. But *Glanvile* more nobly thus, *lib.* 8. *cap.* 1. Finis *eſt amicabilis compoſitio* & finalis *concordia ex conſenſu & licentia Domini Regis vel juſticiariorum*. And *lib.* 9. *cap.* 3. *Talis concordia* finalis *dicitur, eo quod* finem *imponit negotio, adeo ut neutra pars litigantium ab eo de cætero poterit recedere*. And *Bracton*, *lib.* 5. *cap.* 28. *num.* 7. thus, Finis *ideo dicitur* finalis *concordia, quia imponit* finem *litibus & eſt exceptio peremptoria*. The Author of the *New Terms of the Law* defineth it to be a *final* Agreement, had between Perſons concerning any Lands or Rent, or other Things whereof any Suit or Writ is between them hanging in any Court. See the *New Book of Entries*, *verbo* Fines, and 27 *E.* 1. *Stat.* 1. *cap.* 1. This *Fine* is of ſo high a Nature, that *Bracton*, *lib. cap.* 7. *num.* 3. ſaith of it thus, *Item immediate pertinet ad Regem querela* finis *facti in curia Domini Regis & non obſervati, & eſt ratio, quia nemo poteſt* finem *interpretare niſi ipſe Rex, in cujus curia* fines *fiunt*. The *Civilians* would call this ſolemn Contract, *Tranſactionem judicialem de re immobili*, becauſe it hath all the Properties of a Tranſaction, if it be conſidered in the original Uſe. *Weſemb. parat.* Tit. *de Tranſact.* For it appeareth by the Writers of the Common Law before recited, that it is nothing but a Compoſition or Concord acknowledged, and recorded before a competent Judge, touching ſome Hereditament, or Thing immoveable, that before was in Controverſy between the Parties to the ſame Concord: And that for the better Credit of the Tranſaction, being, by Imputation, made in the Preſence of the King, becauſe it is levied in his Court; and therefore doth it bind Women covert being Parties, and others, whom ordinarily the Law diſableth to tranſact, only for this Reaſon, that all Preſumption of Deceit or evil Meaning is excluded, where the King and his Court of Juſtice are ſuppoſed to be privy to the Act. Originally the Uſe of this *final* Concord was inſtituted and allowed, in regard that by the Law, and ancient Proceedings, no Plaintiff (giving real Security *de clamore ſuo proſequendo*,) could agree without Licence of the Court: So as *Fines* have been anciently levied in perſonal Actions, and for no greater a Sum of Money than 11 *l.* But Subtilty of Wit and Reaſon hath in Time wrought other Uſes of this Concord, which in the Beginning was but one, *viz.* to ſecure the Title that any Man hath in his Poſſeſſion againſt all Men; to cut off Entails, and with more Certainty to paſs the Intereſt or Title of any Land or Tenement, though not controverted, to whom

we think good, either for Years or in Fee: Insomuch, that the Passing of a *Fine*, in some Cases, now is but *mera fictio Juris*, alluding to the Use for which it was invented, and supposing a Doubt or Controversy, where in Truth none is; and so not only to work a present Prescription against the Parties to the Concord or *Fine*, and their Heirs, but within five Years against all others, not expresly excepted (if it be levied upon good Consideration, and without Covin) as Women covert, Persons under one and twenty Years of Age, Prisoners, or such as be out of the Realm at the Time when it was acknowledged. Touching this Matter, see the Statutes, 1 *R.* 3. *cap.* 7. 4 *H.* 7. *cap.* 24. 32 *H.* 8. 36. and 31 *El.* 1. This *Fine* hath in it five essential Parts; 1. The Original Writ taken out against the Consusor. 2. The King's Licence, giving the Parties Liberty to accord, for which he hath a *Fine* called *The King's Silver*, being accounted a Part of the Revenue of the Crown. 3. The Concord it self which thus beginneth, *Et est concordia talis, &c.* 4. The Note of the *Fine*, which is an Abstract of the Original Concord, and beginneth in this Manner, *sc. Inter* R. *Querentem & S. & E. uxorem ejus deforcientes, &c.* (where instead of *Deforcientes*, anciently *Impedientes* was used.) 5. The Foot of the *Fine*, which beginneth thus, *Hæc est* finalis *concordia facta in curia Domini Regis, apud* Westm. *a die Paschæ in quindecim dies, anno, &c.* So as the Foot of the *Fine* includeth all containing the Day, Year, and Place, and before what Justice the Concord was made. *Co. vol.* 6. *fol.* 38, 39. *Teye's* Case. This *Fine* is either *single* or *double*. A *single Fine* is that by which nothing is granted or rendred back again by the Consusees to the Consusors, or any of them. A *double Fine* containeth a Grant or Render back again, either of some Rent, Common, or other Thing out of the Land, or of the Land it self to all, or some of the Consusors for some Estate, limiting thereby many Times Remainders to Strangers, which be not named in the Writ of Covenant. *West. ubi supra, sect.* 21. Again a *Fine* is of the Effect divided into a *Fine executed*, and a *Fine executory*. A *Fine executed* is such a *Fine*, as of its own Force giveth a present Possession (at the least in Law) unto the Consusee, so that he needeth no Writ of *Habere facias seisinam* for the Execution of the same, but may enter; of which Sort is a *Fine Sur cognizance de droit come ceo qui il ad de son done*, that is upon Acknowledgment that the Thing mentioned in the Concord be *Jus ipsius Cognizati ut illa quæ idem habet de dono Cognitoris.* West. sect. 51. And the Reason of this seemeth to be, because this *Fine* passeth by way of Release of that Thing, which the Consusee hath already (at least by Supposition) by Virtue of a former Gift of the Consusor. *Co. Rep. lib.* 3. *fol.* 89. Case *of Fines*, which is in very Deed the surest *Fine* of all. *Fines executory* are such as of their own Force do not execute the Possession in the Consusees, as *Fines sur Consusance de droit tantum*, Fines *sur dones*, Grant, Release, Confirmation, or Render; for if such *Fines* be not levied, or such Render made unto them that be in Possession at the Time of the *Fines* levied, the Consusees must needs sue Writs of *Habere facias seisinam*, according to their several Cases, for the Obtaining of their Possessions except at the Levying such executory *Fines*, the Parties unto whom the Estate is by them limited, be in Possession of the Lands passed thereby: For in this Case such *Fines* do enure by way of Extinguishment of Right, not altering the Estate of Possession of the Consusee, but perchance bettering it. *West, ubi supra, sect.* 20. Touching the Form of these *Fines*, we must consider, upon what Writ or Action the Concord is to be made, and that is most commonly upon a Writ of Covenant; and then first there must pass a Pair of Indentures between the Consusor and Consusee, whereby the Consusor covenanteth with the Consusee, to pass a *Fine* unto him of such or such Things, by a Day set down: And these Indentures, as they are first in this Proceeding, so they are said to lead the *Fine*; upon this Covenant, the Writ of Covenant is brought by the Consusee against the Consusor, who hereupon yieldeth to pass the *Fine* before a Judge; and so the Acknowledgment being recorded, the Consusor and his Heirs are presently concluded, and all, Strangers not excepted, after five Years once passed. If the Writ whereupon the *Fine* is grounded be not a Writ of Covenant, but of *Warrantia Chartæ*, or Writ of Right, or a Writ of Mesne, or a Writ of Customs and Services; for all these *Fines* may also be found, *West* (*ubi supra, sect.* 23.) then this Form is observed, the Writ is served upon the Party that is to acknowledge the *Fine*, and then he appearing, doth accordingly. See *Dyer, fol.* 179. *num.* 46. *Fines* are now only levied in the Court of *Common Pleas* at *Westminster*, in regard of the Solemnity thereof, ordained by the Statute of 18 *E.* 1. Before which Time they were sometimes levied in the County-Courts, Court-Barons, and in the *Exchequer*, as may be seen in *Origines Juridiciales & alibi. Plowden* says there were *Fines* levied before the Conquest: *Fulbec* says he has seen the Exemplification of one of *Henry* the First's Time; *Dugdale*, none till *Henry* the Second. See *Impediens.* This Word *Fine*, sometimes also signifieth a Sum of Money paid for an Income to Lands or Tenements let by Lease, anciently called *Gersuma*; sometimes an Amends, pecuniary Punishment or Recompence upon an Offence committed against the King and his Laws, or against the Lord of a Manor: In which Case a Man is said *Finem facere de transgressione cum Rege, &c.* Reg. Jud. f. 25. a. And of the Diversity of these *Fines*, with other Matter worth the Learning, see *Crompton's Justice of Peace, fol.* 141, 143, 144. and *Lambard's Eiren. lib.* 4. *cap.* 16. *pag.* 555. But in all these Diversities of Uses it hath but one Signification, and that is a *final* Conclusion, or End of Differences between Parties. And in this last Sense, wherein it is used for the Ending and Remission of an Offence, *Bracton* hath it, *lib.* 2. *cap.* 15. *num.* 8. speaking of a common *Fine*, that the County payeth to the King for false Judgments, or other Trespasses to be assessed by the Justices in *Eire* before their Departure, by the Oath of Knights, and other good Men, upon such as ought to pay it, with whom agreeth the Statute 3 *E.* 1. *c.* 18. There is also a *Common Fine* in Leets. See *Kitchin, f.* 13. Vide *Common* Fine. *Fleta, lib.* 1. *c.* 48. and *Co.* on *Lit. f.* 126.

Fine annullando levato de Tenemento quod fuit de antiquo dominico. Is a Writ to the Justices, for the *disannulling* of a *Fine*, levied of Lands holden in ancient Demesne to the Prejudice of the Lord. *Regist. Orig. fol.* 15.

Fine capiendo pro terris, &c. Is a Writ lying for one that, upon Conviction by a Jury, having his Lands and Goods taken into the King's Hands, and his Body committed to Prison, obtaineth

Favour for a Sum of Money, &c. to be remitted his Imprisonment, and his Lands and Goods to be redelivered unto him. *Reg. Orig. fol.* 142.

Fine Force Cometh of the *French* Adjective *Fin*, signifying sometimes Crafty, sometimes artificial or exact, and the Substantive *Force*, in Latin *Vis*; so that it signifies an absolute Necessity or Constraint not avoidable; as when a Man is constrained to do that which he can no way avoid, we say, He doth it *de fine force*, and in this Sense it is used, *Old Nat. Brev. f.* 78. and in the Statute 35 *H.* 8. *c.* 12. and in *Perkins, Dower* 321. In *Mantell* and *Woodland's* Case. *Plow. f.* 94. And in *Eyton's* Case, cited in *Foxley's* Case. *Co.* 6. *Rep. fol.* 111.

Fine levando de Tenementis tentis de Rege in Capite, &c. Is a Writ directed to the Justices of the *Common Pleas*, whereby to licence them to admit of a *Fine* for Sale of Lands held *in Capite*. *Reg. Orig. fol.* 167.

Finem facere, *i. e.* To compound, or make Satisfaction for a Crime. 'Tis mentioned in *Leg. H.* 1. *c.* 53. in *Mat. Paris. p.* 586. and in *Walsingham, p.* 180.

Fine non capiendo pro pulchre placitando, Is a Writ to inhibit Officers of Courts to take *Fines* for fair Pleading. *Reg. Orig. fol.* 179. See *Pleder.*

Fine pro redisseisina capienda, &c. Is a Writ that lieth for the Release of one laid in Prison for *Redisseisin*, upon a reasonable *Fine*. *Reg. Orig. fol.* 222.

Fines for Alienation are reasonable *Fines* paid to the King by his Tenants in chief, for Licence to *alien* their Lands according to the Stat. 1 *E.* 3. *cap.* 12. But see the Statute lately made. 12 *Car.* 2. *cap.* 24.

Fines pro licentia concordandi. See 21 *H.* 8. *cap.* 1. See *Fine.*

Fine sur concessit is a *Fine* levied upon the *Grant* of an Estate for Years, to bar the Heir in Tail during the Term.

Finire, To *Fine* or Pay a *Fine* upon Composition. —— *Inquirendum est etiam quæ viduæ non finierunt pro se maritandis, & finis capiatur ad opus Domini Regis.* Rog. Hoveden, p. 783. *Finire* is also the same with *Finem facere* in *Brompton, pag.* 1105. *Quando Rex Scotiæ cum Domino Rege* Finivit, *&c.* and in *Hoveden, pag.* 783.

Finitio, *i. e.* Death; so called, because *Vita* Finitur *morte.*

Finers of Gold and Silver Be those that purify and separate those Metals from other coursser, by Fire and Water. *Anno* 4 *Hen.* 7. *cap.* 2. They be also in the same Place called *Parters*, sometimes *Departers.*

Finfirit, 'Tis mentioned in the Laws of *H.* 1. *c.* 3. and is the same with *Fengeld.* From the Sax. *feod, Inimicus*, and *wite, Mulcta.*

Fiola for Phiala, *i. e.* a Viol, or little Bottle. *Mat. Paris.* 146. *In aurata Fiola cum vinum coloratum acceperis, time venena.*

Firæ. See *Feriæ.*

Firdfare, *i. e.* a Going into the Army, or Taking up Arms. From the Sax. *Fird, Exercitus*, and *Fare, iter.* 'Tis one of the Offences which properly belongs to the King's Determination, *Qui Burghbotam, i. e.* a Contribution towards building a Castle; *Brighotam, i. e.* towards building a Bridge; *vel* Firdefare *superfederit, i. e.* is not gone into the Army. *Leg. H.* 1. *cap.* 10.

Firderinga, *i. e.* a Preparation to go into the Army; which was another Offence immediately under the Cognizance of the King. *Ibid.*

Firderunga, Furniture for the Army. See *Firthunga.*

Firdfare. See *Ferdfare.*

Firdsocne, *i. e.* Exempted from the Army. From the Sax. *Fird, Exercitus*, and *Sorne, Exemptio.*

Firdstole. See *Fridstole.*

Firdwite, A Mulct or Penalty imposed on military Tenants for their Default in not appearing in Arms or coming to an Expedition. *Militia detractate multa. LL. Canuti, par.* 2. *ca.* 22. See *Ferdwite.*

Firdwrthi, *Ferdwrithi*, military Men, or Men worthy to take Arms, or mustred, or enrolled to appear upon any occasional Expedition. —— *Velo ut Abbas & Fratres Rameſia habeant Sacam in omnibus ſuper homines qui ſunt Motwrthi*, Fredwrthi, *Faldwrthi, in iſto hundredo & dimidio.* Histor. Monasterii Ramesei. in Edit. Gale. cap. 103.

Firebare, *Quod ſine dilatione levari & reparari fac. ſigna &* Firebares *ſuper montes altiores in quolibet Hundredo. Ita quod tota patria, per illa ſigna, quotieſcunque neceſſe fuerit, præmuniri poteſt, &c.* Ordinatio pro vigilus observandis a Lynne usque Yarmouth. *Temp. Ed.* 2. Perhaps from the Saxon *Fyretor*, a Beacon or a High Tower by the Sea-side, wherein were continual Lights, either to direct Sailors in the Night, or give Warning of the Enemy.

Fire-bote, For the Composition of the Word, see *Hay-bote.* It signifieth an Allowance of Wood or Estovers, to maintain competent *firing* for the Use of the Tenants: Which by the Common Law any Man may take out of the Lands granted to him.

Fire-Ordeal, Our devout old Ancestors had a way of Purgation or Acquitting themselves from any Charge or Accusation of Crime, by an Appeal as it were to God himself, and therefore called it *Dei judicium*, or *God's Ordeal.* This was commonly of two Sorts, *Fire-Ordeal* and *Water-Ordeal.* This *Fire-Ordeal*, which was the Privilege only of Freemen, and the better Sort of People, was twofold, either *first*, by stepping bare Foot and Blindfold over nine Plough-shares red-hot, laid in length at equal Distance, which if the Defendant passed unburnt, he was judged Innocent, but if burnt, he was concluded Guilty. Or *Secondly*, By taking a Piece of red-hot Iron in the Hand, usually of one Pound Weight, which was called *Simple Ordeal*, or of two Pounds, which was *duplex*, or of three Pounds Weight, which was *triplex Ordalium.* See *Water-Ordeal.*

Firlot, a certain Measure of Liquids, something more than a Gallon. From the Sax. *Feower, Quatuor*, and *Lot, portio.*

Firma, *Ad firmam noctis*, Was a Custom or Tribute paid towards the Entertaining of the King for one Night, according to *Domesday. Comes Meriton* T. R. E. *reddebat* firmam *unius noctis*; that is, Entertainment for one Night, or the Value of it. *Firma Regis*, anciently *pro villa Regis, seu Regis Maneria. Spelman.* By a Charter of King *Edgar* to *Ely*, it is limited to a Penalty, to pay one Night's *Ferme*, if the Privileges be broken by any Man. See *Domesday.*

Firma is also used for Rent; as in this ancient Precept of *William* the Conqueror. *Willielmus Rex Anglorum Willielmo de* Cahannis *salutem. Præcipio*

pio tibi ut facias convenire Schiram *de* Hamtonia *& judicio ejus cognoſce, ſi terra de* Iſham *reddidit* Firmam *Monachis Sancti Benedicti, &c.* Ex Regiſt. de Ramſey in Scacc. Land let *apud altam firmam, i. e.* at the Rack; and *Firma alba*, Rent paid in Silver, not in Cattle or Proviſion for the Lord's Houſe. See *Black Maile.*

Firma is taken for a Banquet, Supper, or any Proviſion for the Table. *Mandavitque Regi quod ad* Firmam *ſuam properans cibos ſalſatos ſufficientes inveniret.* H. Huntingdon, lib. 6. p. 367. And *Knighton*, ſpeaking of the ſame Thing ſaith, *Ad feſtum ſuum properans.* In *Domeſday* the Word *Firma* is often mentioned, *viz.* *Reddere* Firmam *unius noctis: Reddebat unum diem de* Firma; *de hoc manerio ablatæ terræ quæ reddant Canonicis T. R. E.* Firmam *quatuor ſeptimanaram:* That is, *Firma noctis* is a Supper, *Firma diei* a Dinner, and *Firma quatuor Septimanarum* is a Proviſion for ſo long Time. *Du Cange.* Sometimes 'tis taken for Money paid inſtead of Victuals. *Habemus igitur de maneriis noſtris* 53 Firmas.

Firmaculum, a Button; ſometimes *Firmabulum:* As, *capum choralem dilaceravit, &* Firmabulum *quod vulgo morſus dicitur.* Matt. Pariſ.

Firmaratio, Firming or Holding to Firm. The Firmary's or Farmer's Right to the Lands and Tenements let to him *ad firmam.* —— *Canonicus* Firmarius —— *ſi* firmæ *ſolutionem per dies omiſerit* —— *a* firmaratione *cujus, ſi* firmam *bracino vel cameræ ſolvere tenebatur, ipſo facto ſit amotus.* —— Statuta Eccl. Paulinæ. MS. f. 49. b. Hence *antiqua firma* was the old cuſtomary Rent. And *affirmatus* was farmed out, or let for ſuch a certain *Firm* or Rent. See Mr. *Kennet's Gloſſary* in *Ad firmam dare.*

Firmatio, *Firmationis tempus*, Doe-ſeaſon, as oppoſed to Buck-ſeaſon. —— *Et ſciendum eſt quod tempus pinguedinis hic computatur inter Feſtum beati Petri ad vincula & exaltationem Sanctæ Crucis; Et tempus* firmationis *inter Feſtum S. Martini & Purificationem beatæ Mariæ.* 31 H. III. ——

Firmatio, a Supplying with Food: *Si cirliſcus homo forisbanniti* Firmationis *accuſetur per ſuam ipſis wetam neget.* Leg. Inæ, c. 34. *i. e.* accuſed of giving Victuals to a Fugitive.

Firmitas, a Fortification or Caſtle well fortified; *Et nimia feſtinatione Saxonum caſas ſeu* Firmitates *ſubito introivit.* Du Cange.

Firmum, Feorm, Food, Victuals, or *Furmety* given by the Lord to entertain his labouring Tenants. —— *Quilibet debet flagellare dimid. crannock frumenti ad ſemen, & duos buſſellos frumenti contra Natale ad* firma *ſua facienda.* Cartular. Abbat. Glaſton. MS. f. 39. a. Rather perhaps Rent paid in cuſtomary Services.

Firmura, *Will. de Creſſi* gave to the Monks of *Blyth* a certain Mill *cum libera firmura* of the Dam of it, —— *Reg. de Blyth.* This Dr. *Thoroton* engliſhes *Free Firmage*, but that is ſtill a hard Word. I think it intends free Liberty to ſcour and repair the Mill-Dam, and to carry away the Soil, *&c.*

Firſtfalli, *Culminis ruina.*

Firſtfruits, or *Annates*, *Primitiæ*, Are the Profits of every Spiritual Living for one Year, given in ancient Time to the Pope through all Chriſtendom. But by the Stat. 26 *H.* 8. *cap.* 3. tranſlated to the King here in *England*; for the Ordering whereof, there was a Court erected 32 *H.* 8. *cap.* 45. but again diſſolved *Anno primo Mariæ, Seſſ.* 2. *cap.* 10. And ſince that Time, tho' thoſe Profits be reduced again to the Crown by the Stat. 1 *El. c.* 4. yet was the Court never reſtored but all Matters therein wont to be handled, were transferred to the *Exchequer.* See *Annates.*

Firth, or rather *Fyrht*, a Ghoſt.

Firthunga, an Expedition, or military Progreſs, for Preparing for an Expedition. *Du Cange.*

Fiſcalmus, a Villain.

Fiſhgarth, (*An.* 23 *H.* 8. *c.* 18.) Dr. *Skinner*, in his *Etymologicon*, ſays, 'Tis an Engine to take Fiſh; but it ſeems rather to ſignify the Dam or Wear in a River, where theſe Engines are laid and uſed. For *Garth* in the *North* is ſtill uſed for a Backſide or Homeſted.

Fiſtula, the Pipe which was put into the Cup out of which the Communicants ſucked the Wine: *Diviſit Eccleſiis cruces, altaria, ſcrinia, &c. ſitulas*, Fiſtulas *& ornamenta varia.* Flor. Wigorn. Anno 1087.

Fitch. See *Furrere.*

Fithwite, But more rightly *Fihtewite*, From the Saxon *Feoht, pugna*, and *Wite, multa*; ſo that it is a *Fine* laid upon one for fighting and breaking the Peace: *Si pugnaverint & percuſſerint ſe, quamvis ſanguinem non extraxerint, Prior habebit inde* Fithwite, that is, *amerciamenta. Ex Regiſtro Priorat. de* Cokesford.

Fitzherbert Was a famous Lawyer in the Days of King *Henry* the Eighth, and was Chief Juſtice of the *Common Pleas*; he wrote two Books of great Reputation, one *An Abridgment of the Common Laws*, another intituled, *De Natura Brevium.*

Flaccus, A *Felck*, a *Fletch*, an Arrow, Fr. *Fleche.* —— *Reginaldus de Grey tenet manerium de Waterhall in com. Buckingh. per ſervitium inveniendi unum hominem ſuper unum equum ſine ſella pret.* xv. *& unum arcum ſine corda, & unum* flaccum *ſine capite, cum Dominus Rex mandaverit.* 17 Edw. 3. ——

Flaco, a Place covered with ſtanding Water: *Aquâ, &c. in paludem horridam & in lutum ex* Flacone *diutina condenſata.* Monaſt. 1 Tom. pag. 209.

Flacta, the ſame with *Flaco.*

Flaſco, A Flask, a Bottle. —— *Inſtituebant fieri ſtrepitum magnum tundentibus ſingulis & flagellantibus clipeos & galeas, cellas & aſſeres, dolia & flaſcones, pelves & patellas* —— Gaufridus de Vinaſauf. Iter Richardi Regis, cap. 13. lib. 4.

Flecta, A feathered Arrow, or fledged Arrow, a *fleet Arrow. Radulphus le Fletcher tenet in* Bradele *com.* Linc. *per ſervitium reddendi per annum viginti* flectas *ad ſcaccarium Domini Regis*——9 Ed. 1. otherwiſe called *Sagitta* flectata. —— *Willielmus de Greſeley tenet manerium de* Drakelow, *in com.* Derb. *& reddit unum arcum ſine corda, & unam pharetram de* Tatesbit, *& duodecim* ſagittas flectatas. Ibid. p. 15.

Fledwite or **Flightwite**, (Sax. *Flyht, fuga*, and *Wite, multa*) ſignifies in our ancient Laws, a Diſcharge or Freedom from Amerciaments, when one, having been an outlawed Fugitive, comes to the Peace of our Lord the King, of his own Accord, or with Licence. Thus *Raſtal.* But *Quære*, whether it does not rather ſignify a Mulct or Fine ſet upon a Fugitive, to be reſtored to the King's Peace?

Fleet, (Sax. *Fleot, i. e.* a Place where the Water ebbs and flows, a running Water.) A famous Priſon in *London*, ſo called, as it ſeemeth, of the River upon whoſe ſide it ſtandeth. *Cambd. Brit.*

pag. 317. Unto this none are usually committed, but for contempt of the King and his Laws, or upon absolute Command of the King, or some of his Courts. Or lastly, upon Debt, when Men are unable, or unwilling to satisfy their Creditors.

Flem and **Fleth**, Saxon *Flema*, an Outlaw, and *Flet*, a House. In a Plea of *Quo Warranto*, *Abbas de Burgo dicit quod clamat annum & vastum & medium tempus per hæc verba* Flem & Fleth. *Trin.* 7 *Ed.* 3.

Flemaffare, (from the Sax. *Flema*, a Fugitive or Outlaw, and *Flean*, to kill or slay.) By Virtue of this Word were claimed *Bona felonum*, as appears upon a *Quo Warranto*. *Temp. E.* 3. See *Keilwey's Rep. f.* 145. *b.*

Flemenesfrinthe, (Rectius **Flymenafrinthe**, *LL. Inæ. c.* 29, & 47. *LL. etiam H.* 1. *c.* 10, 12.) signifies the Receiving or Relieving a Fugitive. *Cum Sacha & Socha, Tol & Team, Infangenethof & Flemenesfyrinthe & Gridbreche, Forstal, Hamsocne, Blodwite, Ordel & Oreste.* Carta Edw. Conf. Monasterio de Waltham. I find this Word often in ancient Charters erroneously written: As *Flemeneferd*, *Flemenesfret*, *Flemnenesfremeth*, *Flemanisflit*, *Flemenewurde*, *Fremenefenda*, and *Flemene freithe* All doubtless intended for the same Thing: From the Sax. *Flima*, *Fugitivus*, and *Firmean*, *victum præbere.*

Flemenesfreme and **Flemenesfrenthe** Are said to be the Chattels of Fugitives. *Mich.* 10 *Hen.* 4. *Hertf.* 59. *Coram Rege*, *Rot.* 59. See *Flemenesfrinthe.*

Flemfwite Signifies the Liberty to Challenge the Cattel or Amerciaments of your Man a Fugitive. *Rastal's* Exposit. of Words. *Fleta* writes it two different ways, *viz. Flemenesfrevie* and *Flemenesfreithe*, and interprets it, *Habere catalla Fugitivorum*, *lib.* 1. *cap.* 47. See *Flem* and *Flemenesferinthe.*

Fleta, A feigned Name of a learned Lawyer, that writing a Book of the Common Law of *England*, and other Antiquities in the *Fleet*, termed it therefore *Fleta*. He lived in the Times of *Edward* II. and *Edward* III. See his first Book, *cap.* 20. *sect. Qui ceperint*, and *lib.* 2. *cap.* 66. *sect. Item quod nullus.*

Fleta, *A Flota*, *a Flete*, or Place where the Tide or *Float* comes up. *Dicta terra extendit se in longitudine a communi via de M. versus aquilonem usque ad* Fletam *de* Ee *versus austrum.* Cart. 5. 14. 4. Hence *Fleet* Ditch, and *Fleet* Bridge in *London.*

Fletgefoeth, a Payment or Mulct exacted from him who deserted the Army: From the Sax. *Flean*, *fugere*, and *Feoht*, *pugna.*

Fletwite alias **Fredwite**. *Skene de verb. signif. verb.* Melletum, saith, That *Flichwit* is Liberty to hold Courts, and take up the Amerciaments *pro melletis*; and the Reason he gives is, because *Flitch* is called *Flitting*, in French *Melle*, which sometime is conjoined with Hand-stroke, and in some Books *Placitum de melletis*, is the Plea of beating or striking. See *Fledwit.*

Flidethrift, But indeed more truly *Slidethrift*, otherwise called *Shovegroat*, is the Game now known by the Name of *Shovel-board*, mentioned 32 *H.* 8. *c.* 9.

Flight. See *Finer.*

Flitchwite, alias **Flitwite**, (from the Sax. *Flit*, Contention or Strife) *significat mulctam ob contentiones, rixas & jurgia impositam, & cui hæc a Principe conceduntur, potest in Curia sua cognoscere de hujusmodi transgressionibus; vel mulctas inde provenientes in Curia Regis, a delinquentibus exigere & sibimet retinere.* Thus *Spelman.* Flitwite, i. e. *Quod Prior teneat Placita in Curia sua de contentionibus & conviciis hominum suorum & habeat inde Amerciamenta.* Ex Reg. Priorat. de Cokesford.

Flood-mark, The *Mark* which the Sea, at flowing Water and highest Tide, makes on the Shoar. *Accordant a ceux Ordinances les Admirals ont use leur Authority en les lieves avant dits tanque a cest temps, sibien per choses faits oustre le Mere & sur le Mere, come entre le* Flodemark & *Low Water-mark.* Anderson's Rep. f. 189. *Constable's* Case.

Florences, (*Anno* 1 *R.* 3. *c.* 8.) a Kind of Cloth so called, brought from *Florence* hither; some was called *Arras*, *Darnix*, *Cambrick*, *Callico*, from the Places where it was made.

Florence, A current Piece of *English* Gold. By Indenture of the Mint 11 *Ed.* 3. every Pound-weight of old Standard Gold was to be coined into Fifty *Florences*, to be current at six Shillings a Piece, all which made in Tale Fifteen Pounds, or into a proportionable Number of half *Florences* or Quarter *Florences.*

Flotages, that, is a Swimming at the Top, which we properly call *floating*, are such Things as swim on the Top of the Sea, or other great Rivers; the Word is used sometimes in the Commissions of *Water-Bailiffs.*

Flota navium, a Fleet of Ships. *Rex* —— *sciatis quod constituimus Johannem de Roches Admirallum nostrum* Flotæ navium *ab ore aquæ Thamisiæ versus partes occidentales, quamdiu nobis placuerit.* Rot. Francia. Anno 6. R. 2. m. 21.

Flotson alias **Flotzam**, (from the Sax. *Fleotan.* i. e. *natare*) Is a Word proper to the Seas, signifying any Goods that by Shipwreck are lost, and lie floating or swimming upon the Top of the Water, which with *Jetson*, and *Lagon*, and *Shares*, are given to the Lord Admiral by his Letters Patent. *Jetson* is a Thing cast out of the Ship, being in Danger of Wreck, and beaten to the Shore by the Waters, or cast on the Shore by the Mariners. *Co. Vol.* 6. *fol.* 106. *Lagon* alias *Lagan* or *Ligan*, is that which lieth in the Bottom of the Sea. *Co Ibid. Shares* are Goods due to two or more by Proportion. See *Co. lib.* 5. Sir *Henry Constable's* Case.

Flyman, a Fugitive.

Focagium, the same with *Husbotum.*

Focale, *i. e.* a Right of taking Wood for the Fire: *In eadem Haia* 10 *Carratas claustura*, & 10 *Carratas* Focalis *recipiendas annuatim per visum servientis mei.* Monast. 1 Tom. pag. 779. pag. 603. *Capiatur* focale *quatenus fieri potest de siccis & infructuosis ramis & arboribus*, &c. *Stat. Eccl. Paulinæ MS. f.* 44. *b.*

Fodder, Or *Fother* of Lead, a Weight of Lead containing eight Pigs, every Pig three and twenty Stone and a Half. In the Book of Rates a *Fodder* of Lead is said to be Two thousand Pounds Weight; at the Mines, it is 22 Hundred and a Half, among the Plumbers at *London* it is 19 Hundred and a Half.

Foddertorium, Provision, or *Fodder*, or Forrage, to be paid by Custom to the King's Purveyors —— *Johannes Abbas S. Edmundi & D. Stephanus, Prior & Conv. Statuunt* —— *quod de exitibus maneriorum Conventus, exceptis redditibus qui dicuntur hidagium* & Foddertorium, *& sectis hominum ad hun-*

hundreda, quæ ſunt quaſi regalia, nihil habebit vel habere debet Dominus Abbas, &c. Ex Cart. S. Edmundi. *MS. f.* 102.

Fodder, (Sax. *Foda.* i. e. *alimentum*) any Kind of Meat for Horſes or other Cattel; in ſome Places Hay and Straw mingled together is accounted *Foder.* See *Forage.* But among the *Feudiſts* it is uſed for a Prerogative, that the Prince hath, to be provided of Corn, and other Meat for his Horſes, by his Subjects, in his Wars or other Expeditions. *Hotoman de verbis feudal.* See *Fother* —— *Necnon redditus, qui dicuntur* Hidagium & Fodder-corn, *in perpetuum Abbatibus* (*de* S. Edmundo) *deſignentur.* Mon. Angl. 1 Part. f. 291. a.

Foeſa, Graſs, Herbage, Fr. *Foiſſon, ex dono Rainaldi de Bordeneio ſex ſolidos in* Foeſa *foreſtæ & decimam molendinorum ipſius.* Mon. Angl. Tom. 2. p. 906. b.

Fogage, *Fogagium*, *Fog*, or *Feg*; Rank Graſs not eaten in Summer. *Leg. Foreſtar. Scot. cap.* 15.

Folcland Was *terra vulgi*, the Land of the vulgar People, who had no Eſtate therein, but held the ſame under ſuch Rents and Services as were accuſtomed or agreed, at the Will only of their Lord the Thane, and it was therefore not put in Writing, but accounted *Prædium ruſticum & ignobile.* Vid. Spelman of Feuds, ca. 5.

Folcmote or **Folkmote**, Saxon *Folkgemote*, that is *Conventus, populi*, compounded of *Folk, populus*, and *Gemettan, convenire*, ſignifies (as *Lambard* ſaith in his *Expoſition of* Saxon *Words*, verbo *Conventus*,) two Kinds of Courts; one now called *The Country-Court*, the other, *The Sheriff's Turn.* This Word is ſtill in uſe in the City of *London*, and denotes *Celebrem ex tota civitate conventum.* Stows *Survey of London.* But *Manwood* ſays in his *Foreſt-Laws*, *Folke* is the Court holden in *London*, wherein all the *Folk* and People of the City did complain of the Mayor and Aldermen, for Miſgovernment within the City. *Somner* in his *Saxon Dictionary* ſays, It is a general Aſſembly of the People, to conſider and order Matters of the Commonwealth. *Omnes proceres Regni & milites & liberi homines univerſi totius Regni Britanniæ facere debent in pleno* Folcmote *fidelitatem Domino Regi, coram Epiſcopis Regni.* In Leg. Edw. Confeſ. c. 35. *Et amplius non ſit in Huſtenge, Miskenninga, i. e.* ſpeaking amiſs, *neq; in* Folkeſmote *neque in aliis placitis infra Civitatem.* Charta H. 1. pro London. *Du Cange.* As to the *Folc mote* or *Folc Gemot*, Sir *Hen. Spelman* tells us it was a Sort of annual Parliament or Convention of the Biſhops, Thanes, Aldermen, and Freemen, upon every *May-Day* yearly; where the Laymen were ſworn to defend one another; ſware Fealty to the King, and to preſerve the Laws of the Kingdom, and then to conſult of Common Safety, Peace and War, and publick Weal. But Dr. *Brady* from the Laws of our *Saxon* Kings, does infer that the *Folc-Mote*, was an inferior Court, before the King's Reve, or Steward; held rather every Month to do *Folc-Right*, or to compoſe ſmaller Squabbles, from whence Appeal ſhould lie to the ſuperior Courts of Juſtice. See Dr. *Brady's Gloſſary, p.* 48. When this great Aſſembly is made in a City, it may be called a *Burgemote*, when in the County a *Shiregemot. Cum aliquid vero inopinatum & malum contra regnum vel contra coronam Regis, &c. emerſerit, ſtatim debent pulſatis campanis, quod Anglice vocatur* amotbel, *convocare omnes & univerſos, quod Anglice dicunt* Folkmote, *i. e. Convocatio populorum & gentium omnium, quia ibidem omnes convenire debent & ibi providere debent indemnitatibus Coronæ regni per commune conſilium.* Leg. Alfred, cap. 35. *de Aldermannis.*

Fold-courſe. *Cro. 2. par. fol.* 432. Vide *Faldage.*

Folgare, *i. e.* to be of ſome Decennary: *Si quis ab una manſione ad aliam tranſire velit, fiat hoc teſtimonio Aldermanni, in cujus Comitatu prius* folgavit. Leg. Alfred, c. 33.

Folgarii, Menial Servants. *In Francoplegio debet eſſe omnis qui terram tenet & domum, qui dicuntur Husfaſtene, Anglice*, Houſe-keepers, *& etiam alii qui aliis deſervient, qui dicuntur*, Folgheres, *quia nec debet quis repellere ſervientem ſuum antequam purgatus ſit de omni calumnia unde prius fuit calumniatus.* Bract. lib. 3. tract. 2. cap. 10. From the Saxon *Folgere, famulus.*

Folgheres or **Folgeres**, (From the Saxon *Folger, i. e.* to follow) are properly *Followers*; but *Bracton* (*lib.* 3. *tract.* 2. *cap.* 10.) ſays, it ſignifies *eos qui aliis deſerviunt. Vide LL. H.* 1. *cap.* 9. Servants or Domeſticks.

Fongere, an Herb; *Forſan Filix: Et debet colligere* Fongere. *Du Cange.*

Footgeld. See *Foutgeld.*

Foot of the Fine. See *Chirographer.*

Forage, (Fr. *Fourage*) Fodder for Cattel. *Ceſtes ſont les Covenants feates le Vendredy prochein devant le Feſte de Seinte Jake l'Apoſtle.* 20 Ed. 3. *Perentre Nichol de Stone d'une parte & John de Blount d'autre parte.* —— *Et le dit John trovera au dit Nichol herbe & feyn &* Forage *pour un Hakeney & deux vaches, &c.* Penes Wal. Kirkham Blount Bar. See *Foder.*

Foragium, Straw when the Corn is threſhed out —— *Cuſtumarius de Hardewyk* —— *triturabit & mandabit pro quolibet opere dimidiam ſummam de quolibet genere bladi per menſuram grangiarum* —— *& habebit in receſſu ſuo quando triturat ad grangias ad quodlibet opus quantum poſſit ſemel colligere de* Forragio *tunc triturato cum raſtello, & dicitur* Helm. *Ex* Cartular. S. Edmundi *MS. f.* 321.

Forarium, A Furrow, a Furlong. *Per viam quæ ducit uſque* Tatteford, *uſque ad* Forarium *de Long furlong, & iterum a dicto* Forario *de Long furlong uſque ad* —— *Munimenta Hoſpital. SS. Trinitatis de Pontefracto MS. f.* 53.

Forbalca, A *Fore-balk*, or *Balk*, lying forward or next the Highway, —— *Conceſſit etiam eis omnia alia emolumenta de prædicta villa vel curia ſua qualitercunque in villa vel in campis ejus ſurgentia, ſcilicet, Waſtis, hirnis,* forbalcis *terræ arabilis, a fordikis circa ſuum molendinum & ſtagnum.* Petrus Bleſenſis Contin. Hiſt. Croyland, pag. 116.

Forathe, From the Sax. *For, pro*, and Sax. *Ath juramentum. Liberalis autem homo*, (*i. e.* Pegen.) *modo crimen ſuum non ſit inter majora, habeat fidelem hominem, qui poſſit pro eo jurare juramentum, i. e.* Forathe. *Si autem non habet, ipſemet juret, nec perdonetur ei aliquod jaramentum.* Conſtitut. Canuti de Foreſta, ſect. 12.

Forator. See *Forrare.*

Forbarre, or **Forbar**, is to *Bar* or Deprive for ever. *Anno* 9 *Rich.* 2. *cap.* 2. and 6 *H.* 6. *cap.* 4.

Forbatudus, **Forfactus**: This is when the Agreſſor is ſlain; *Et ſic eſt veritas ſine ullo conludio, & in ſua culpa ſecundum legem* forbatudum *fecit, i. e. ut qui foris Battiderit ſeu contra jus primo percuſſerit:*

So where the Agreſſor is killed, he is ſaid, *de vita* Forfactus, (*viz.*) *& tunc ante judicem in arabo conjuret quod eum de vita* Forfactum *interfeciſſet.*

Forbuſhor of Armour, (*Forbator*) *Si quis* forbator *arma alicujus ſuſceperit, ad purgandum, &c.* LL. Aluredi. MS. cap. 22.

Force, *Vis*, In our Common Law, is moſt uſually applied *in pejorem partem*, ſignifying unlawful Violence. *Weſt* thus defines it, *Symb. part.* 2. Tit. Indictments, *ſect.* 65. *Force* is an Offence by which Violence is uſed to Perſons or Things; where'alſo he divideth it thus, *Force* is either *Simple* or *Compound*; *Simple Force* is that which is ſo committed, that it hath no other Crime adjoined to it; as if one by *Force* do enter into another Man's Poſſeſſion, without doing any other unlawful Act. *Mixt* or *Compound Force* is that Violence which is committed with ſuch a Fact, as of it ſelf only is criminal: As if any by *Force* do enter into another Man's Poſſeſſion, and kill a Man, or raviſh a Woman there, &c. He farther divideth it into true *Force*, and *Force* after a Sort, and ſo proceedeth to divers other Branches worth the Reading, as *forcible* Entry, *forcible* Detaining, unlawful Aſſembly, Routs, Riots, Rebellions, &c.

Forceletum, A little Fort. *Qui fugaverunt averia ad* forceleta. *Fleta, lib.* 1. *cap.* 20. *par.* 119.

Forcible detaining or holding of Poſſeſſion, Is a violent Act of Reſiſtance by ſtrong Hand of Men weaponed with Harneſs, or other Action of Fear in the ſame Place, or elſewhere, whereby the lawful Entry of Juſtices, or others, is barred or hindred. *Weſt. Symbol. part.* 2. Tit. Indictments, *ſect.* 65. Of this ſee *Cromp. Juſt. of Peace, f.* 58. *uſque ad* 63.

Forcible Entry, *Ingreſſus manu forti factus*, Is a violent actual *Entry* into a Houſe or Land, &c. or Taking a Diſtreſs of any Perſon weaponed, whether he offer Violence or Fear of Hurt to any there, or furiouſly drive any out of the Poſſeſſion thereof. *Weſt. Symbol. part* 2. Tit. Indictments, *ſect.* 65. *Cromp. Juſt. of Peace, f.* 58, 59. *uſque ad* 63. It is alſo uſed for a Writ grounded upon the Statute 8 *H.* 6. 9. whereof read *F. N. B. fol.* 248. See the *New Book of Entries, verbo* Forcible Entry. See *Lamb. Eiren, lib.* 2. *c.* 4. *p.* 145.

Forda, A *Ford* or Shallow, made by damming or penning up the Water ——— *Non liceat alicui de cætero facere* Dammas *aut* Fordas, *aut alia impedimenta in aliquibus laudeis, watergangiis, foſſatis ſive aquagiis communibus in mariſco prædicto.* Ordinatio Monaſterii Rameſienſis, p 69.

Fordalis, from the Sax. *Ford, i. e.* a River, *vadum ſive trajectum.* 'Tis mentioned in the *Monaſticon.* 1 *Tom. pag.* 657. *Et tendit uſque ad magnam aquam de Ayre, &* Fordales *ejuſdem prati, &c.*

Fordika, *Graſs* or *Herbage*, growing on the Edge or Bank of Dikes or Ditches. See *Forbalia.*

Fordol, Fordalia ——— *Conceſſit etiam eis omnia alia emolumenta de prædicta villa vel curia ſua qualitercunque in villa vel in campis ejus ſurgentia, ſcilicet, waſtis, hirnis, forbalkis terræ arabilis,* Fordol *prati, & fordikes ſuum molendinum & ſtagnum.* Petr. Bleſen. Contin. Hiſt. Gayland, *p.* 116. *Fordalis*, in a like Senſe, occurs in Mon. Angl. *Tom.* 1. *p.* 657. *Et tendit uſque ad magnam aquam de Agr. &* Fordales *ejuſdem prati quæ percutiunt ex una parte ſuper pratum Hoſpitalis.* This later Word *Des Freſne* confounds with *Forda*, and thinks it implies ſome Relation to *Ford* or *River.* But it is indeed from the Sax. *For*, Fore or before, and *dæle*, a Part or Portion. So as the *Fordol, Fordolia*, or *Fordalis*; was no more than a But or Headland that did ſhoot upon other Bounds.

Forecheapum, ——— *Et non liceat iis aliquod* Forecheapum *facere Burghmannis, & dare Theolonium ſuum.* Chron. Brompton. Col. 897, 898. de nave negotiali. & LL. Æthelredi c. 23. It ſignifies Præ-emption, from the Sax. *Fore, ante*, and Ceapan, *nundinari, emere.*

Forecloſed. (*An.* 33 *Hen.* 8. *cap.* 39.) barred, ſhut out, or excluded for ever. 2 *Part. Inſt. fol.* 298.

Forefang, Sax. *Fore. i. e. ante*, and *Fange, prendere*) King *Ina* did by Law prohibit *Forefange*, i. e. *Captio Obſoniorum, quæ in foris aut nundinis ab aliquo fit, priuſquam Miniſter Regis ea ceperit, quæ Regi fuerint neceſſaria.* LL. Inæ Reg.

Foregoers were Purveyors otherwiſe called, *Going before* the King in Progreſs, to provide for him. *An.* 36 *E.* 3. *c.* 5.

Foreign (Fr. *Forain*, Lat. *Forinſecus*) is in our Law joined with divers Subſtantives in Senſes not unworthy the Expoſition: As *foreign Matter*, that is, Matter triable in another County, (*Pl. Cor. f.* 154.) or Matter done in another County. *Kitchin, fol.* 126.

Foreign Plea Is a Refuſal of the Judge, as incompetent, becauſe the Matter in Queſtion is not within his Juriſdiction. *Kitchin, f.* 75. *An.* 4 *H.* 8. *c.* 2. And 22 *Ejuſdem, c.* 2. & 14.

Foreign Anſwer Is ſuch an Anſwer as is not triable in the County where it is made. 15 *H.* 6. *cap.* 5.

Foreign Service Is that whereby a mean Lord holds over of another, without the Compaſs of his own Fee. (*Broke*, Tit. *Tenures, f.* 28, 95, 251. *num.* 12. & 28. *Kitchin, f.* 209.) or elſe that which a Tenant performs either to his own Lord, or to the Lord Paramount out of the Fee. Of which Services, thus *Bracton*, (*lib.* 2. *cap.* 16. *num.* 7. *Item ſunt quædam ſervitia, quæ dicuntur* forinſeca, *quamvis ſunt in Charta de Feoffamento expreſſa & nominata; & quæ ideo dici poſſunt* forinſeca, *quia pertinent ad Dominum Regem, & non ad Dominum capitalem, niſi cum in propria Perſona profectus fuerit in ſervitio, vel niſi cum pro ſervitio ſuo ſatisfecerit Domino Regi quocunque modo, & fiunt in certis temporibus, cum caſus & neceſſitas evenerit, & varia habent nomina & diverſa: Quandoque enim nominantur* forinſeca, *large ſumpto vocabulo, quoad ſervitium Domini Regis, quandoque Scutagium, quandoque Servitium Domini Regis, & ideo* forinſecum *dici poteſt, quia fit & capitur* foris, *ſive extra ſervitium quod fit Domino capitali.* *Foreign Service* ſeems to be Knights-Service or Eſcuage uncertain. *Perkins's Reſervation*, 650. ——— *Salvo* forinſeco *ſervitio.* Mon. Angl. 2 Par. f. 637. b.

Foreign Attachment Is an Attachment of Foreigners Goods found within a Liberty, or a City, for the Satisfaction of ſome Citizens, to whom the *Foreigner* is indebted. At *Lemſter* (anciently *Leominſtre*) there is the *Borough* and the *Foreign*; which laſt is within the Juriſdiction of the Manor, but not within the Bailiff of the Borough's Liberty. So *Foreign Court* of the Honour of *Glouceſter. Clauſ.* 8 *E.* 2. *m.* 25. *Foreign bought, and Foreign ſold*, is a Cuſtom within the City of *London*, which being found prejudicial to the Sellers of Cattle in *Smithfield*, it was enacted 22 & 23 *Car.* 2. That as well *Foreigners* as *Freemen* may buy and ſell any Cattel there.

Foreign Opposer or Apposer, (*Forinsecarum Oppositor*) is an Officer in the *Exchequer*, to whom all Sheriffs, after they are *apposed* of their Sums out of the Pipe-Office, do repair to be *apposed* by him of their Green Wax. He examines the Sheriff's Estreats with the Record, and *apposeth* the Sheriff, what he says to every particular Sum therein. *Practice of the Exchequer, fol.* 87. See 4 *Inst. fol.* 107. *Chaucer* useth the Word *appose* for *interrogare.*

Forera, *Terra transversalis, seu Capitalis,* a Head-land, or (as they vulgarly call it) *Hade-land.* ——*Uno capite abuttante super* Foreram *Rogeri Attecastel.* Charta de Anno 47 E. 3.——*Decem acras terræ, quarum octo Veliones cum duabus* Foreris *simul jacent in, &c.* Charta Antiq. penes Eliam Ashmole, Arm.

Forest, *Foresta,* Signifies a great or vast Wood, in French *Lieu Forestier & Sauvage,* in *Locus sylvestris & saltuosus.* Such as have written upon the Common Law, define it thus, *Foresta est locus ubi feræ inhabitant vel includuntur,* with whom agree several others. Some do say it is called *Foreste quasi ferarum statio vel tuta Mansio ferarum. Manwood* in his *Forest-Laws, cap.* 1. *num.* 1. thus defineth it, *A* Forest *is a certain Territory of woody Grounds, and fruitful Pastures, privileged for wild Beasts and Fowls of* Forest, *Chase, and Warren, to rest and abide in the safe Protection of the King, for his Princely Delight and Pleasure; which Territory of Ground so privileged, is meered and bounded with unremoveable Marks, Meers and Boundaries, either known by Matter of Record, or else by Prescription, and also repleniss'd with wild Beasts of Venery or Chase, and with great Coverts of Vert, for the Succour of the said wild Beasts to have their abode in; for the Preservation and Continuance of which said Place, together with the Vert and Venison, there are certain particular Laws, Privileges and Officers belonging only to the same.* The Manner of making *Forests,* as the same Author well setteth down, *cap.* 2. *num.* 2. is this, The King sends out his Commission under the Great Seal of *England,* directed to certain discreet Persons, for the View, Perambulation, meering and bounding of the Place he mindeth to be a *Forest*; which being returned into the *Chancery,* Proclamation is made throughout all the Shire where the Ground lieth, That none shall hunt or chase any manner of wild Beasts in that Precinct, without the King's special Licence; after which, he appointeth Ordinances, Laws, and Officers fit for the Preservation of the Vert and Venison; and so it becometh a *Forest* by Matter of Record. The Properties of a *Forest* are these in especial; First, a *Forest,* as it is truly and strictly taken, cannot be in the Hands of any but the King; the Reason is given by *Manwood,* because none hath Power to grant Commission to be a Justice in *Eyre* or the *Forest* but the King, *cap.* 24. *num.* 1. The second Property be the Courts, as the *Justice-Seat* every three Years; the *Swainemote* thrice every Year; and the *Attachment* one every forty Days. *Idem, cap.* 21. *num.* 1. The Third Property, are the Officers belonging to it, for the Preservation of the Vert and Venison: As first, the Justices of the *Forest,* the Warden or Keeper, Verderers, *Foresters,* Agistors, Regarders, Bailiffs, Beadles, and such like, which you may see, and their Duties, in *Manwood, cap.* 21. *num.* 1, 2, 3, 4. But the chief Property of a *Forest* both by *Manwood, cap.* 23. and *Cromp. pag.* 146. is the *Swainemote,* which, as they both agree, is no less incident to it, than a Court of Pye-powders to a Fair. Other Courts and Officers are not so requisite in those *Forests* that are in the Hands of Subjects, because they be not truly *Forests.* But if this fail, there remains nothing of a *Forest,* but it is turned into the Nature of a Chase. See *Chase.* The *Norman* Kings not only inclosed *Forests,* but punished those who hunted and killed any of the Beasts, with the greatest Severity. *Brompton* tells us, That *William,* called the Conqueror, caused the Eyes of the Man to be pulled out, who took either a Buck or Boar; and *Knighton* tells us, That his Son *William Rufus* would hang a Man for taking a Doe, and for a Hare he made him pay twenty Shillings, and ten Shillings for a Coney. *Eadmerus, lib.* 2. *p.* 48. mentions, That the same *Rufus,* caused fifty rich Men to be apprehended, and accused them of taking and killing his Bucks, which they denying, they were to clear themselves by the Fire *Ordeal, &c.* and *Hen.* 1. made no Distinction between him who killed a Man or a Buck, and punished those who destroyed the Game, (though not in the *Forest*) either by Forfeiture of their Goods, or Loss of Limbs: But *Hen.* 2. made it only Imprisonment for a Time: His Son, *R.* 1. revived the old Laws for punishing those who were convicted of Hunting in the *Forest,* (*viz.*) That they should be gelt, and have their Eyes pulled out; but that King afterwards abolished this Punishment, and appointed such Convicts to abjure the Realm, or be committed, or to pay a *Fine. Ed.* 1. appointed the same Punishment, but that they should be free both of Life and Limb.

The Historians of those Times tell us, That *New Forest* was raised by the Destruction of Twenty-two Parish-Churches, and many Villages, Chapels and Manors, for the Space of thirty Miles together; that this was so displeasing to God, that several of those Princes came to untimely Ends in that very *Forest,* and particularly that *Rufus* was there shot by *Tyrrell*; and before him, *Richard,* the Brother of *Hen.* 1. was there killed by a Soldier; and *Henry,* who was Nephew to *Robert,* the eldest Son of the Conqueror, did hang like *Absolom* in the Boughs of the *Forest.*

Besides *New Forest,* there are Sixty-eight *Forests* in *England,* Thirteen Chases, and more than Seven hundred eighty-one Parks. The *Forests* that I have read of in *England* are these, The *Forest* of *Windsor* in *Berkshire,* Cam. Brit. *pag.* 213. Of *Pickering,* Cromp. 190. Of *Shirwood,* Id. *fol.* 202. Of *Englewood* in *Cumberland, Anno* 4 H. 7. *cap.* 6. And *Cromp. f.* 42. Of *Lancaster,* Idem, f. 196. Of *Wolmore, Stow's Annals,* p. 462. Of *Gillingham,* Idem, p. 113. Of *Knaresborough,* 21 H. 8. 17. Of *Waltham Caral,* Brit. p. 328. Of *Breden,* Idem, pag. 176. Of *White-hart,* Id. 150. Of *Wiersdale,* Id. pag. 589. Of *Lownsall,* ibid. Of *Dean,* Id. pag. 266. 8 H. 6. 27. 19 H. 7. ca. 8. Of St. *Leonards* in *Sussex, Manwood,* p. 1. 144. Of *Waybridge* and *Sapler,* Id. pag. 63. Of *Whitney,* Id. 81. Of *Fekenham, Cambd.* pa. 441. Of *Rockingham,* Id. 396. *Forest de la mer,* Id. 467. Of *Huckestow,* Id. 456. Of *Ashdowne,* in the County of *Sussex,* 37 H. 8. 16. Of *Whittelwood,* and *Swasy* in the County of *Northampton,* 32 H. 8. ca. 38. Of *Fronselwood* in the County of *Somerset.* Co. lib. 2. *Cromwell's* Case, *fol.* 71. *Waterdown* Forest, *Amdelworth* and *Dallington,* all in *Sussex,* besides several others. See 17 *Car.* 1. *cap.* 16. For the Ascertaining the Meers and Bounds of *Forests.*

Foreſtagium, (*Et ſint quieti de Theoloneo & Paſſagio, & de* Foreſtagio, *& Theoloneo aquarum & viarum* foreſtam *meam contingentium.* Charta 18 Ed. 1. m. 10. n. 30.) ſeems to ſignify ſome Duty or Tribute payable to the King's *Foreſters*; as *Chiminage*, or ſuch like. It may likewiſe be taken for a Right to uſe the *Foreſt*, or a Payment for the Right, or rather a Taking of reaſonable *Eſtovers* there.

Foreſtarius, The *Foreſter*, or *Keeper* of a *Foreſt*, aſſigned by the King as Head *Foreſter*; or Warden of a whole *Foreſt*; or elſe deputed by Knights and Barons who held Lands and Woods within the Bounds of a *Foreſt*, as under *Foreſters* ——— *Rex præcipit quod omnes illi qui boſcos habent intrà metas* foreſtæ *Domini Regis, quod ponunt idoneos* Foreſtarios *in boſcis ſuis* ——— *item præcipit quod ſui* Foreſtarii *curam capiunt ſuper* Foreſtarios *militum & aliorum.* Parochial Antiq. p. 174.

Foreſtal. See *Forſtal.*

Foreſter, *Foreſtarius*, Is a ſworn Officer of the *Foreſt*, appointed by the King's Letters Patent, to walk the *Foreſts* both early and late, watching both the Vert and the Veniſon, attaching and preſenting all Treſpaſſes againſt them within their own Bailiwick or Walk, whoſe Oath you read in *Crompt. fol.* 201. And though theſe Letters Patent be ordinarily granted but *quamdiu ſe bene geſſerint*; yet ſome have it to them and their Heirs, and thereby are called *Foreſters in Fee.* Id. f. 157, 159. By the ſame *Crompton* in Latin, *f.* 175. *Foreſtarium feudi.*

Foreiudger, *Forisjudicatio*, Signifies a Judgment, whereby a Man is deprived, or put by the Thing in Queſtion: It ſeemeth to be compounded of *Fors*, i. *præter* and *judger, judicare. Bracton, lib.* 4. *tract.* 3. *cap.* 5. hath theſe Words, *Et non permittas quod* A. *capitalis Dominus feudi illius haberet cuſtodiam hæredis*, &c. *quia in curia noſtra* forisjudicatur *de cuſtodia*, &c. So doth *Kitchin* uſe it, *f.* 29 and *Old Nat. Brev. fol.* 44. & 81. and the Stat. 5 *E.* 3. *c.* 9. and 21 *R.* 2. *cap.* 12. *Forjudicatus*, with Authors of other Nations, ſignifieth as much as Baniſhed, or as *Deportatus* in the ancient *Roman* Law, as appeareth by *Vincentius de Franchis, deſcis* 101. *Mathæus de afflictis*, Lib. 3. Feub. Rub. 31. p. 625.

Foreiudged the Court Is, when an Officer of any *Court* is expelled the ſame for ſome Offence, or for not appearing to an Action by Bill filed againſt him; and in the later he is not to be readmitted, till he ſhall appear. 2 *H.* 4. 8. He ſhall loſe his Office, and be *fore-judged the Court. Spelman* ſays, *Forjudicare interdum eſt male judicare.*

Foreſchoke (*Direlictum*) ſignifies originally as much as *forſaken* in our modern Language. It is ſpecially uſed in one of our Statutes, for Land or Tenements ſeiſed by the Lord, for want of Services due from the Tenant, and ſo quietly held and poſſeſſed beyond the Year and Day. As if we ſhould ſay, That the Tenant, who ſeeing his Lands or Tenements taken into the Lord's Hand, and poſſeſſed ſo long, takes not the Courſe appointed by Law to recover them, does in due Preſumption of Law diſavow or forſake all the Right he has to them: And then ſuch Lands ſhall be called *Foreſchoke*, ſays the Stat. 10 *Ed.* 2. *cap. unico.*

Foreſpeon, *Caſſatum.*

Forfang and **Forefeng**, (From the Sax. *Fore, ante*, and *Fangen, prendere*) *eſt captio obſoniorum, quæ in foris aut nundinis ab aliquo fit, priuſquam Miniſter Regis ea ceperit quæ Regi fuerint neceſſaria.* Antecaptio vel preventio. ——— *Et ſint quieti de* Wardwite, *& de* utlewe & Forfenge & Withfunge, *&c.* Charta H. 1. Hoſp. Sancti Barth. Lond. An. 1135. Fleta, lib. 1. c. 47. *Forfeng quietantiam prioris priſæ deſignat.* So that *Forfang* is what we call Pre-emption, and is the Taking of Proviſions from any one in Fairs or Markets before the King's Purveyors are ſerved with Neceſſaries for his Majeſty.

Forfaiture, *Forisfactura*, Cometh of the *French* Word *forfaict*, id eſt, *felus*; but in our Language ſignifieth rather the Effect of tranſgreſſing a penal Law, than the Trangreſſing it ſelf, as *Forfeiture* of Eſcheats. 25 *E.* 3. *cap.* 2. *Stat. de Proditionibus:* How Goods *forfeited*, and Goods confiſcate differ, ſee *Staundf. pl. cor. fol.* 186. where thoſe ſeem to be *forfeited* that have a known Owner, having committed any Thing whereby he hath loſt his Goods; and thoſe confiſcate, that are diſavowed by an Offender, as not his own, nor claimed by any other; but we may rather ſay, that *Forfeiture* is more general, and Confiſcation more particular, to ſuch as *forfeit* only to the King's Exchequer. Read the whole Chapter. *lib.* 3. *c.* 24. *Full* Forfeiture, *plena forisfactura*, otherwiſe called *Plena Wita*, is *Forfeiture* of Life and Member, and all elſe that a Man hath. *Manwood, c.* 9. The *Canoniſts* uſe alſo this Word. *Forisfacturæ ſunt pecuniariæ pœnæ delinquentium.*

Forfeiture of Marriage, *Forisfactura Maritagii*, Is a Writ which lay againſt him, who, holding by Knights-Service, and being under Age, and *unmarried*, refuſed her whom the Lord offer'd him without his Diſparagement, and *married* another. *F. N. B. fol.* 141. *Reg. Orig. fol.* 163.

Forfeng, Forefeng and **Forſpenge.** *Quietantiam prioris priſæ deſignat; In hoc enim delinquunt Burgenſes Londinenſes cum priſas ſuas ante priſas Regis faciunt.* Fleta, lib. 1. cap. 47. See *Forfang.*

Forgabulum, *Forgavel*, A ſmall reſerved Rent in Money. A Quit-Rent, *Ita quod ego* Henricus Malmerius *vel hæredes mei nihil juris de dicto tenemento cum pertinentiis de cætero poterimus vendicare, exceptis* vi. *denariis de* Forgabula *annuatim percipiendis ad Paſcha pro omnibus ſervitiis. Ex Cartularia Abbatiæ de* Radinges. *MS. f.* 88.

Forgelda, *Forgeld*, In the *Charter* of H. 1. to the Church of St. *Peter* in *York* ——— *Canonici & ſucceſſores & eorum homines* ——— *ſint quieti de omnibus geldis, Danegeldis, Fengeldis, Horngeldis,* Forgeldis *Penligeldis*, the Thing Penny, *Hundred pany.* Miskeningis, *cheragio, cheminagio*, &c. *MS.*

Forger of falſe Deeds Cometh of the French *Forger*, i. *accudere*, to beat on an Anvil like a Smith, or elſe to faſhion or bring into Shape; and ſignifieth in our Common Law either him that fraudulently maketh and publiſheth *falſe Writings*, to the Prejudice of any Man's Right, or elſe the Writ that lieth againſt him that committeth this Offence. *F. N. B. f.* 96. calls it a *Writ of Deceit.* See *Terms of the Law*, verbo *Forger of falſe Deeds*, and *Weſt. Symb. part.* 2. Tit. Indictments, *ſect.* 66. See the *New Book of Entries*, verbo *Forger de Faits.* This is a Branch of that which the *Civilians* call *Crimen falſi, Nam falſarius eſt, qui decipiendi cauſa ſcripta publica falſifi at. Speculator de crimine falſi, falſi crimen proprie dicitur, quod utilitatis privatæ cauſa factum eſt.* Connanus lib. 5. c. 7. num. 4. *Ad eſſe falſitatis tria requirun tur, mutatio veritatis, dolus & quod alteri ſit nocivum*, &c.

&c. The Penalty for this Offence is declared in the Statute of 5 *El.* 4.

Forgery. See *Forger of false Deeds.*

Forgia, a Forge, *Forgia ferraria*, A Smith's *Forge* —— *Omnibus* —— Henricus Rex —— *sciatis me conceſſiſſe* —— *Monachis meis de* Dene —— *decimam caſtanearum mearum, & grangiam quæ dicitur* Tuartedena, *& unam* forgiam ferrariam *ita liberam*——Cart. *Hen.* II.

Forherda, A Herdland, a Hadland, a Foreland, or Headland ——*Exceptis quinque Acris, videlicet Ebingatre, tribus acris in Muſlund, una* forherda *ſub Langdone, & alia* forherda *ſub la* Cnolle *ad pedes terrarum de dominico Abbatis*——Cartular. Abbat. Glaſton, *MS. f.* 76.

Forinſecus, Outward, or on the Outſide. —— *Excepto uno Selione* Forinſeco *illius croſtæ verſus auſtrum ad faciendam quandam viam* —— *i. e.* the outward Ridge or Furrow to be left for a Path or common Way. Mr. *Kennet*'s Gloſſary.

Forinſecum Servitium, The Payment of Aid, Scutage, and other extraordinary Burdens of military Service; oppoſed to *intrinſecum Servitium*, which was the common and ordinary Duties within the Lord's Court and local Liberties. See Mr. *Kennet*'s Gloſſary.

Forinſecum Manerium, The Manor, or that Part of it which lies without the Bars or Town, and not included within the Liberties of it. *Summa reddituum aſſiſorum de* manerio Forinſeco *Banbury cum molendinis* Forinſecis. *Paroch. Antiq. pag.* 351.

Forisbannitus, *i. e.* Baniſhed. *Expulſus a Scotia*, Forisbannitus *ab Anglia, &c.* Mat. Pariſ. An. 1245.

Foriſcapium, where a Man by Force, or otherwiſe, exacts what is not due. See *Forcheapum.*

Foriſfamiliari. A Son is properly ſaid *Foriſmiliari*, when he accepts of his Father's Part of his Lands, and is contented with it in the Life-time of the Father, ſo that he cannot claim any more.

Forlandum. —— *Et de duobus* Forlandis *xvi. denarios, ſc. de* Forlando *Johannis Wauker, quod jacet ante terram Eccleſiæ, viii. denarios.* Mon. Angl. 2 par. fol. 332. Land extending further, or lying before the Reſt; a Promontory. For *Cambden* expounds *Cantium Promontorium*, the *Foreland* of *Kent.*

Forlet-land was ſuch *Land* in the Biſhoprick of *Hereford* as was granted or leaſed *dum Epiſcopus in Epiſcopatu ſteterit*, that the Succeſſor might have it for his preſent Income: But now that Cuſtom is diſuſed, and the ſame Land granted, as others, by Leaſe, yet ſtill retains the Name. *Butterfield's Survey, f.* 56.

Forma Pauperis, or **In Forma Pauperis**, is when any Perſon has Cauſe of Suit, and is ſo poor that he cannot diſpend the uſual Charges of ſuing at Law, or in Equity. In this Caſe upon his making Oath that he is not worth 5 *l.* his Debts being paid, and bringing a Certificate from ſome Lawyer, that he has juſt Cauſe of Suit, the Judge admits him to ſue *in Forma Pauperis*, that is, without paying Fees to Counſellor, Attornies, or Clerk. And this had Beginning from the Stat. 11 *H.* 7. *c.* 12.

Formedon, *Breve de forma Donationis*, is a Writ that lies for him that hath Right to any Lands or Tenements, by Virtue of any Entail, growing from the Statute of *Weſtm.* 2. *cap.* 1. It lieth in three Sorts, and accordingly is termed *Forma donationis*, or *Formedon in the Deſcender*, *Formedon in the Reverter*, and *Formedon in the Remainder: Formedon in Deſcender*, lieth for the Recovery of Lands, *&c.* given to one and the Heirs of his Body, or to a Man and his Wife, and the Heirs of their two Bodies, or to a Man and his Wife, being Couſen to the Donor, in *Frank-Marriage*, and afterwards alienated by the Donee; for after his Deceaſe, his Heirs ſhall have this Writ againſt the Tenant or Alience. *F. B. B. fol.* 221. He maketh three Sorts of this *Formedon in Deſcender.* The firſt is the Manner now expreſt. The Second is for the Heir of a Coparcener that aliens and dies, *fo.* 241. The Third he calls (*inſimul temuit*) *fol.* 216. which lyeth for a Coparcener or Heir in *Gavelkind* before Partition, againſt him to whom the other Coparcener or Heir hath alienated, and is Dead. *Formedon in the Reventer* lieth for the Donor or his Heirs, where Lands entailed to certain and their Iſſue, with Condition, for want of ſuch Iſſue, to revert to the Donor and his Heirs, againſt him to whom the Donee alienateth, after the Iſſue extinct to which it was intailed. *F. N. B. fol.* 219. *Formedon in the Remainder* lieth, where a Man giveth Lands in Tail, the Remainder to another in Tail, and afterwards the former Tenant in Tail dieth without Iſſue of his Body, and a Stranger abateth, then he in the Remainder ſhall have this Writ. *Fitzh. Nat. Brev. fol.* 217. See *Reg. Orig. f.* 238, 242. 243. Of this alſo ſee the *New Book of Entries, verbo Formedon*, and *Co.* on *Lit. f.* 326.

Formella, A Weight of Lead thus deſcribed in the Statute of Weights and Meaſures. 51 *H.* 3. *A. D.* 1267. *La Charre de plumbo conſtat ex* 30 Formellis, *& quælibet* Formella *continet ſex petras, exceptis* 2 *libris, & quælibet petra conſtat ex* 12 *libris, & quælibet libra conſtat ex pondere* 25 *ſolidorum.* So that a *Formella* is about 72 Pounds Weight.

Formicta. Monaſt. 1 Tom. pag. 149. *In Rogationibus ad Feſtum Odulfi unum præbendarium frumenti ad frixuras, &c. ad* Formictas *vero in Adventu Domini debent habere* 14 *Summas contra natale Domini, &c. omnes ſcilicet percipiendas ex horreis.*

Fornagium Signifies the Fee taken by a Lord of his Tenants bound to bake in his common Oven, as is uſual in the Northen Parts of *England*, or for Permiſſion to uſe their own; alſo *Chimney* or *Hearth Money.* See *Furnage. Et Dominus Rex proinde admittit per an. de exitibus* fornagii *ſui* 10 *libras.* Plac. coram Rege & ejus concil. in Parl. 18 *E.* 1. in Turri London.

Fornication, *Fornicatio.* 1 *H.* 7. 4. Whoredom, the Act of Incontinency between ſingle Perſons; for if either Party be married, it is Adultery: The firſt Offence herein was puniſh'd with three Months Impriſonment; the Second was made Felony in the late Times of Uſurpation, by a pretended Act made 1650. *cap.* 10. *Scobell's Collection.*

Suſſex. *Præceptum eſt Vic. quod venire faciat Juratores, qui in Aſſiſa Novæ Diſſeiſinæ dubium fecerunt Sacramentum, tangens quandam* Agnetam *quam dixerant*

dixerant esse filiam Simonis de Punde *patris prædictæ Agnetæ, & non dixerint esse hæredem. Et in eo quod dixerint quod* Matilda, *quæ fuit mater* Agnetæ, *fuit uxor dicti* Simonis, *& non dixerunt utrum Patria habebat eam ut uxorem ejus. Qui Juratores dicunt quod prædictus* Simon *semper tenuit dictam* Matildam *ut uxorem suam, & dicunt quod nunquam dictam* Matildam, *matrem dictæ* Agnetæ, *desponsavit; sed dicunt quod prædictus* Simon *aliquo tempore captus fuit per amicos prædictæ* Matildæ *in Camera* Fornicando *cum ipsa* Matilda, *per quod compellebatur unum de tribus facere, uxorem vel ipsam affidare, vel vitam suam amittere, vel ipsam* Matildam *retro osculare; ita quod ipse* Simon *ibidem dedit fidem suam prædictæ* Matildæ, *matri prædictæ* Agnetæ, *quod ipsam disponsare debuit, sed ipsam nunquam alio modo desponsavit, &c. Ideo prædicta* Matilda de Kingsford *soror prædicti* Simonis *recepit seisin. de 1 Messuag. &c. in Shepley, &c. Adam Gurdon & alii in misericordia.* Pasch. 4 Ed. 1. Rot. 7. Sussex.

Forprise, (*Forprisum*, from the Fr. *Fors, i. e. Extra*, and *Prise, Captio*) an Exception or Reservation: In which Sense it is used in the Statute of *Exon*, 14 *Edw.* 1. but there written *Horseprise*. We still use it in Conveyances and Leases, wherein *Excepted and Forepriſed* is an usual Expression.

C'*EST indenture fet entre Monsieur* John Blount *Chevalier, le Eysne, d'une part, & Dame* Johan Fouleshurst *d'autre parte, Tesmoigne, que mesme les partes sont issint assentez, accordez, & assurez, que* John Blount *filts & Heir a dict Monsieur* John *deuy espousera, & prendera a femme* Isabel *la file de dite Dame du si briefe & deue temps, que la dite Dame a ses propres custages voidera ordeigner & feire, issint que le dit Dame paye a dit Monsieur* John *xx Markes a temps de l'espousels, & xl. Livres a certeyne de pay, compris en un Obligation, quelle le dite Dame a fait a dit Monsieur* John, *&c. Pour quel payment le dit Monsieur* John *enfeoffera ou fera enfeoffer les susdits* John *son filts, & la dite* Isabel *de son Manner jouste* Utteskefather, *appelle* Blount's Place, *ensemblement ove toutes autres terres, tenements, rentes, services, &c.* Forprise *le Parke, &c. appelle* Blount's Park, *&c. A avoir, & tener a dit* John *son filts, & Isabel & les heyres que mesme cely* John *des Corps de mesme cely* Isabel *engendera, &c. Donnee south les seales, &c. le jour de St.* Luke. *L'an de R. le Roy* Hen. 4. *disme.* Penes Wal. Kirkam-Blount Baronet.

Forprise in another Sense is taken for any Exaction, and is the same with *Forecapium*, as appears in *Thorn, Anno* 1285. *Totum pratum, &c. sine quacunque* Forprisa *in Excambium pro placea dedit.*

Forrare, To forrage. *Quidam de Francis discurrebant emolumentis victualium intendentes, quod vulgariter* forrare *dicitur.* Mat. Paris. 1242.

Forrein, Used for *Foreigner. Anno* 34 & 35 *H.* 8. *cap.* 18. See *Foreign.*

Forsthoke Seems to signify originally as much as *Forsaken* in our modern Language, or *Derelictum* with the *Romans:* It is especially used in one of our Statutes, for Lands or Tenements seised by the Lord, for want of Services due from the Tenant, and so quietly held and possessed beyond the Year and Day. As if we should say, that the Tenant, which seeing his Lands or Tenements taken into the Lord's Hand, and possessed so long, taketh not the Course appointed by Law to recover them, doth in due Presumption of Law disavow or *forsake* whatever Right he hath unto them; and then such Lands shall be called *Forschoke*, says the Stat. 10 *E.* 1. *cap. unico.*

Forshet, *Foresceta*, From Sax. *For*, before, and *Sceat*, a Part or Portion, the outer or fore-part of a Furlong, the Skirt or Slip or small Piece that lay next the Highway——— *Una acra & dimidia videl.* Forshet *jacen. ibidem.* Paroch. Antiq. p. 531. *hæc pecia terræ Prioris vocatur* Heralds Pece, *& habet unum* Forschætum *jacentem proxime juxta prædictam meram, ibid.* 535. See Mr. *Kennet's Glossary.*

Forses, *Catadupe*, Waterfalls, *Cam. Brit. Tit.* Westmorland.

Forspeaker, An Attorney or Advocate.

Forspeken, *i. e.* Forbid. *Habeat totum hoc* Forspeken, *i. e.* All this is Forbidden. *Leg. Canuti, cap.* 46. *apud Brompton.*

Forstal or **Forestal**, (*Forestellamentum.*) *Spelman* says 'tis *Via obstructio, vel itineris interceptio*; with whom agrees *Coke on Littl. fol.* 161. *b.* In *Domesday* 'tis written *Foristel. Hoc verbum* Forstal *interpretari debet & intelligi ad impediendum aliquem vel insultandum in Regia strata, & non alio modo.* Pla. Parl. 18 Edw. 1. Also we find in the *Saxon* Laws *Forstal* to signify *Oppesition.*

Forstal (from the Sax. *Fore, Ante*, and *Stal, Iter,*) is an Intercepting in the Highway, or an Assaulting a Passenger in it. Forestal *est si quis ex transverso incurrat vel in viam expectet & assaliat inimicum suum.* Leg. H. 1. cap. 80.

Forstal Is to be quit of Amerciaments, and Cattel arrested within your Land, and the Amerciaments thereof coming, says *Terms de la Ley.* But *Spelman* says, 'Tis *via obstructio vel itineris interceptio*, with whom agrees *Co.* on *Lit. fol.* 161. In *Domesday* 'tis written *Foristel*, which see before. *Dedique eis* forstallum, &c. *& terram quæ jacet ex utraque parte ejusdem* forstalli, *&c.* Mon. Angl. 2 par. fol, 112. 60.

Forestaller, In *Crompton's Jurisdiction, fol.* 153. Is used for stopping of Deer broke out of the *Forest*, from returning home again, or lying between him and the *Forest* in the Way that he is to return. See *Regrators* and *Engrossers, Crompt. Just. of Peace, fol.* 69. In the *Terms of the Law*, 'tis thus defined, *Forstalling, Forstallamentum* is the Buying of Corn, Cattel, or other Merchandise, by the Way, as it cometh towards the Market or Fair to be sold. *Fleta* says, *Significat obtrusionem viæ vel impedimentum transitus & fugæ averiorum.* lib. 1. ca. 47. Who shall be adjudged a *Foreſtaller*, see in 5 & 6 *E.* 6. *cap.* 14. Forestal. *est, si aliquis portaverit halec vel hujusmodi res ad forum, & statim alius venerit & emerit ab ipso illas res, ut carius vendat, Prior habebit emendas ab ipso. Ex Reg. Priorat. de* Cokesford. See 3 *par. Inst. fol.* 195.

Forstalling, (*Viarium obstructio*, from the Sax. *Fore, i. e. Via*, and *stel,*) signifies the buying or bargaining for any Corn, Cattel, or other Merchandise, by the Way, before it comes to any Market or Fair to be sold, or by the Way as it comes from beyond the Seas, or otherwise, toward any City, Port, Haven, or Creek of this Realm, to the Intent to sell the same again at a more high and dear Price. 52 *H.* 3. *Stat.* 6. *West, Part* 2. *Symbol. Tit.* Indictments, *Sect* 64.

Forsula, A little Fort. Forsulam *funditus everterunt.* Knyghton.

Fortescue Was a learned Lawyer, and Lord Chancellor in the Days of *Hen.* 6. Who writ a Book in the Commendation of our Common Law, intitled, *De Laudibus Legum Angliæ.*

Fortheia,——— *Dedimus unam virgatam terræ cum messuagio propinquiore* Fortheiæ, *& alteram virgatam cum messuagio propinquiore domui quæ fuit Alonci de Tydington*——— Cartular de Radinges, MS. f. 116. 6.

Fortia, *i. e.* Power, Dominion, or Jurisdiction. *Non est eis imputandum, &c. si per omnia se allegient quod nec consilium eorum vel auxilium sit in* Fortia *ipsa.*

Fortiare, or Infortiare placitum, is when many Judges are assembled to do it. *Si justitiam sine judicio dimittant (judices) sed summonitis terrarum dominis* inforcietur placitum *termino competenti.* Leg. H. 1. cap. 29.

Fortility, Fortilice, and **Fortelet,** (*Fortalitium, vel Forteletum, & Fortellescum,*) Within the Towns and Fortilities of Berwick and Carlisle, (*Anno* 11 *Hen.* 7. *cap.* 18.) signifies properly a little fortified House or Castle, made rather to preserve the Person of the Owner and his Goods, than to endure a Siege.

Fortlet, (Fr.) Signifies a Place of some Strength, *Old Nat. Brev. fol.* 45.

Fortningles, Otherwise *Farthendel,* is the fourth Part of an Acre or Penny, *&c.* See *Farthingdeal.* See the Book of *Domesday.*

Fortuna Is that which we call Treasure-Trove, i. e. *Thesaurum ducente* Fortuna *invenire. Inquirendum est per* 12 *Juratores pro Rege, &c. quod fideliter præsentabunt, &c. omnes* Fortunas, *abjurationes, appella, &c. Spelman* tells us it signifies *Fortuito occisos:* But this seems to be very fanciful. See *Sacrobarra.*

Fortunium, A Tournament or Fighting with Spears. *In contemptum meum ipse* Torneamento *interfuisti, & sophistice illum* Fortunium *appellasti.* Mat. Paris. Anno 1241.

Forvenge. See *Forfang.*

Fozurth, A long Slip of Ground.——— *Una acra inter tenementum Aurifabri & terram Abbatis, & una* Forurthe *quæ se extendit a prædicta acra versus orientem juxta cursum aquæ, & computatur pro una acra.* Cartular. Glaston. MS. 6. 124.

Fossa, A Ditch, full of Water, where Women committing Felony were drowned, but Men hanged. *Nam & ipsi in omnibus tenementis suis omnem ab antiquo legalem habuere justitiam, videlicet ferrum,* Fossam, *Furcas, & similia.* In another Sense 'tis taken for a Grave, as appears by these old Verses:

Hic jacent in Fossa *Bedæ venerabilis ossa,*
Hic est Fossatus, *qui bis erat hic cathedratus.*

Fossæ, *Item diximus per sacramentum quod non vidimus tempore Henrici & Richardi quondam Regum Angliæ, quod quis redderet decimas de feriis aut de geneſtis aut de* fossis *ubi prius fuerint demosmatæ*——— *Charta A. D.* 1205. *apud* Scriptor. Normun. f. 1509. *Du fresne* cites this Authority in the Word *Froccus,* and thinks it should be read *de frosciis,* instead of *de fossis, i. e.* As he interprets waste and barren Ground: But he knows not what to make of *demosmatis,* unless it might be read *domus dirutæ.* To give Sense to these dark Words, I think rather *fossis* is to be taken for *foesis,* Fr. *Foisson,* Grass cut or mowed for Hay; and *demosmatis,* for *demoissonatis,* Fr. *moissoner, demoissener,* to mow or cut down; and then the Version will run thus: Also we have deposed upon Oath, that in the Time of *Henry* and *Richard,* Kings of *England,* we never saw that any one paid Tithe of Furz or Broom; or of Latter-math or After-Pasture, where the Grass or Hay had been once mowed before.

Fossa and **Furca.** Se *Furca.*

Fossagium. See *Fossatum.*

Fossatorum operatio, *Fosse-work,* or the Service of labouring, done by Inhabitants and adjoining Tenants for Repair and Maintenance of the Ditches round a City or Town: For which some paid a Contribution called, *Fossagium.* See Mr. *Kennet's Glossary.*

Fossatum, (Lat.) A Ditch, or a Place fenced with a Ditch or Trench, *Ex dono Hen. Regis avi nostri unum* Fossatum *tam largum, quod naves possint ire & redire a flumine de* Withonia *usque ad* Tupholme. Charta 20 Hen. 3. m. 9. where it seems to signify a (cut) River.

Fossatum, in another Sense, is taken for the Obligation of Citizens to repair the City Ditches.

Fossatura, The same with *Fossatum.*

Fossellum, *Fossetellum,* A small Ditch, *una virgata terræ, cum pertinentiis in West-Pennard quæ vocatur la More, videl. quinque acras in Chasecroft simul cum prato & fossello in eadem crofta.* Cartular. Glaston. MS. f. 117.

Fosseway, (From *Fossus,* digged) was anciently one of the four principal Highways of *England,* so called, because supposed to be digged and made passable by the *Romans,* and having a Ditch upon one Side. See *Watling-street.*

Fosterland Is *Land* given, assigned or set forth for the Finding of Food or Victuals for any Person or Persons; as in Monasteries, for the Monks, *&c.*

Fosterlean, Nuptial Gifts, which we call a Jointure. From the Sax. *Foster-lean, Ciborum exhibitio,* that is, a Stipend which the Wife hath for her Maintenance. *Postea siendum est cui* Fosterlean *pertineat, vadiet hoc Brigdunia, & plegient amici sui.*

Fother, or **Fodder,** (from the Teutonick *Fuder,*) is a Weight (of Lead) containing eight *Pigs,* and every *Pig* one and twenty Stone and an half, which is about a Tun, or a common Wain or Cart-load. *Speight* in his *Annotations upon Chaucer.* I find also, in the *Book of Rates,* Mention of a *Fodder of Lead,* which is there said to be 2000 Weight: At the Mines 'tis 22 hundred Weight and an half; among the Plumbers at *London* 1900 and an half.

Fotmel, A Weight of Lead of ten Stone or seventy Pounds, as in this remarkable Authority, for the Mensuration of Lead. *Saccus lanæ debet ponderare* 28 *petras, & solebat ponderare summam frumenti, & sic saccus lanæ ponderat sextam partem carectatæ plumbi, scil.* 50 *petras, sex & viginti petræ faciunt carectatam plumbi.* London. *Summa librarum carectatæ* London, 2 *mille & centum libræ scil. de* Waterforth-malet: *Sex sacci lanæ faciunt carectatam plumbi, & quilibet saccus ponderat* 5 fotmels *plumbi. Et duas petras scil.* 18. *libr. & quatuor xx. duodecim* Weyes, *faciunt unum charactatam plumbi, quælibet* Wey *continet* 26 *petras, scil.* 2 cuttes, fotmel, *& 6 petras, quælibet petra continet vii. libras ceræ, & x. petræ faciunt* fotmel, *ac* fotmel *ponderat* 70 *libr. & sic* 31 fotmel *& 2 petræ faciunt carectatam plumbi, & sic de una carectata plumbi possunt* 20 *pedes in altitudine & etiam in longitudine totidem*

tidem co-operiri——— *Ex* Cartular. S. Albani MS. Cotton Tiber F. 6. f. 260.

Fouage, (Fr.) See *Fuager*.

Fovea, A Grave for Burial of the Dead. In the Statutes of the Church of St. *Paul* in *London*, it was ordained in the Chapter, *De ſervientibus Eccleſiæ*——— *quod pro* fovea *facienda in cœmiterio per garcionès ſuos non recipient dicti ſervientes pro divite ultra iii. denar*——— *pro mediocri, ii. den*——— *cum per garciones eorum ſit* fovea, *alioquin nihil percipiant. Liber Statutorum Eccl. Paulinæ* London, *MS. f.* 29.

Foverare, To carry away Fodder, to forage. *Inquiretur quantum paſtura Regis* Foverata *fuerit, aut deteriorata, per animalia quæ exeunt a domibus.* Fleta, lib. 2. cap. 41. par. 13.

Foundation, The Founding of a College or a Hoſpital, is called *Fundatio, quaſi* Fundi-datio, or *fundamenti locatio.* Co. Rep. 10.

Foundap. At the Iron Works in melting and preparing the Mine, every ſix Days they call a *Founday*; in which Space, they make commonly eight Tun of Iron, if you divide the whole Sum of Iron made by the *Foundays*: For at firſt they make leſs in a *Founday*, at laſt more. From the French *Foundre*, to melt. To *Found*, whence *Bell-Founder*, a *Fount* or *Funt* of Letters, &c.

Founder Is he that melteth Metal, and maketh any Thing of it, by caſting it into a Mould, *Anno* 17 *R.* 2. *cap.* 1. derived from the Verb *Fundere*, to pour out. We alſo ſay, That whoever builds and endows a College or Hoſpital is the *Founder.*

Founiare, To fawn as a Deer. *Qui fecerunt vaſtum in foreſta, maxime ubi damæ ſolebant* Founiare. Fleta, lib. 2. cap. 41. par. 33.

Fourcher (Fr. *Fourchir, i. e. Titubare lingua,*) ſignifies a Putting off, Prolonging, or Delaying of an Action; for as by Stammering we draw out our Speech, not delivering that we have to ſay, in ordinary Time, ſo by *fourching* we prolong a Suit that might be ended in a ſhorter Space. In *Weſtm.* 1. *cap.* 42. you have theſe Words, Coparceners and Jointenants ſhall no more fourch, but only ſhall have one Eſſoin, &c. And *Anno* 6 *Ed.* 1. *c.* 10. it is uſed in the ſame Senſe; The Defendants ſhall be put to anſwer without fourching, &c. *Anno* 23 *Hen.* 6. *cap.* 2. See 2 *Part. Inſt. fol.* 250. In the *Latin* 'tis called *Furcare*; and ſignifies, where a Man and his Wife, or each of them, caſts an Eſſoin, then 'tis called *Furcare*, becauſe 'tis twofold. *Caveat vir & mulier implacitati, quod ſemper in Eſſonio alterius alter compareat, quamdiu* furcare *poſſint*; *& cum ultra non poſſint, concurrant eorum Eſſonia in ſuis locis; Alter autem eorum tantum unum Eſſonium de malo lecti habere poteſt.* Hengham Mag. cap. 9.

Foutgeld, or **Footgeld**, (from the Sax. *Fot, Pes*, and *Geldan, Solvere*, q. *Pedis Redemptio*) ſignifies an Amercement for not cutting out the Balls of great Dogs Feet in the Foreſt. See *Expeditate.* And to be quit of *Footgeld* is a Privilege to keep Dogs within the Foreſt, unlawed, without Puniſhment or Controul. *Crompton's Juriſd. fol.* 197. *Manwood, part* 1. *pag* 86. This Privilege was always allowed in *Aſſiſ. Foreſt. de Pickring*, 10 *Edw.* 3.

Fowls of Warren. See *Warren.*

Fractitium, Arable Land. *Pratum de mura & 3 Acras terra de* Fractitio. *Mon. Tom.* 2. *pag.* 878.

Fractura navium, Wreck.

Fragium, A Right of making Faggots in a Wood. *Conceſſi eiſdem* Fragium, *focalia, &c.* Mon. Tom. 1. pag. 813.

Frampole Fences Are ſuch Fences as any Tenant in the Manor of *Writtle* in *Eſſex* hath againſt the Lord's Demeans; whereby he hath the Wood growing on the Fence, and as many Trees or *Poles* as he can reach *from* the Top of the Ditch with the Helve of his Ax, towards the Repair of his Fence. I have heard the late Chief Juſtice *Brampton*, whilſt he was a Practiſer and Steward of this Court, acknowledge he could not find out the Reaſon why theſe Fences were called *Frampole.* It may come from the Sax. *Fremful, Profitable*, or may be a Corruption of *Franc-pole*, becauſe the *Poles* are *free* for the Tenant to take.

Franchilanus, (from the Fr. *Franchi, i. e.* Free) a Freeman. *Sciatis me dediſſe, cum villanis & Franchilano, nomine* Hamone, *& cum tenuris eorum, &c.* Charta Hen. 4. 2. in m. Mon. Angl. 1 par. fol. 442. b. And in *Domeſday* we find *Francus homo* uſed for a Freeman.

Franchiſe, *Franchesia, Libertas*, Is taken with us for a Privilege or Exemption from ordinary Juriſdiction, and ſometimes an Immunity from Tribute: It is either perſonal or real, (*Cromp. Juriſd. fol.* 141.) that is, belonging to a Perſon immediataly, or elſe by Means of this or that Place, or Court of Immunity, whereof he is either Chief or a Member. In what particular Things a *Franchiſe commonly* conſiſts, ſee *Britton, cap.* 19. *Franchiſe Royal*, 15 *R.* 2. *cap.* 4. and 2 *H.* 5. *cap.* 7. *in fine*, ſeemeth to be that where the King's Writ runs not, as *Cheſter, Durham, &c.* which are called *Seigniories Royal, Anno* 28 *H.* 6. *cap.* 4. and formerly *Tyndal* and *Examſhire* in *Northumberland.* The Author of the *New Terms of the Law* ſaith, That a *Franchiſe Royal* is, where the King granteth to one and his Heirs, that they ſhall be quit of Toll, or ſuch like. See *Franchiſe* in the *New Book of Entries. Bracton, lib.* 2. *cap.* 5. See *Sac.* See alſo *Old Nat. Brev. fol.* 4.

Francigenæ Was the general Appellation of all Foreigners, unleſs they could prove themſelves to be *Engliſhmen.* See *Engleſcery.*

Franling, A Freeholder, *Qui libere tenet.* See *Forteſcue de Laud. Leg. Angl. cap.* 29.

Frank Was a *French* Gold Coin, worth about a *French* Shilling; but in Computation was twenty *Sols*, which is a *Livre*, or Pound; and about twenty Pence in our Money.

Frank-almoin, *Libera Eleemoſyna*, In French *Frank-auſmone*, ſignifies a Tenure or Title of Land or Tenements beſtowed upon God, that is, given to ſuch People as devote themſelves to the Service of God, for pure and perpetual Alms; whence the Feoffors or Givers cannot demand any terreſtrial Service, ſo long as the Lands, &c. remain in the Hands of the Feoffees. With this agreeth the *Grand Cuſtumary* of *Normandy, cap.* 32. Of this you may read at large, *Bracton, lib.* 2. *cap.* 5 & 10. See *F. N. B. fol.* 211. and the *New Book of Entries, verbo* Frank-almoine. *Britton*, in the forecited, makes another Kind of this Land, given in Alms, but not in free Alms. As if an Abbot, &c. holds Lands of his Lord for certain Divine Service to be done, as to ſing every *Friday* a Maſs, or do ſome other Things; and if ſuch Divine Service be not done, the Lord may diſtrain, in

in such Case the Abbot ought to do Fealty to the Lord; and therefore it shall not be said a Tenure in *Frank almoine*, but a Tenure by Divine Service; for it cannot be *Frank-almoine*, if any certain Service be expressed.

Frank-Bank. See *Free-bench.*

Frank-Chase, *Libera Chasea*, Is a Liberty of free *Chase*, whereby all Men having Ground within that Compass, are prohibited to cut down Wood, &c. without the View of the Forester, tho' it be in his own Demesnes. *Crom. Jur. fol.* 187.

Frank-fee, *Liberum feudum*, Is by *Broke, Tit.* Demesne, *num.* 32. thus expressed, That which is in the Hands of the King or Lord of any Manor, being ancient Demesne of the Crown, (*viz.* the Demesnes) is called *Frank-fee*, and that which is in the Hands of the Tenant is ancient Demesne only. See *Reg. Orig. fol.* 12. whereby that seemeth to be *Frank-fee* which a Man holds at the Common Law to himself and his Heirs, and not by such Service as is required in ancient Demesne, according to the Custom of the Manor. And again, in the same Book, *fol.* 14. there is a Note to this Effect, That the Lands which were in the Hands of King *Edward the Confessor* at the Making of *Domesday-Book*, is ancient Demesne, and that all the Rest of the Realm is called *Frank-fee*, wherewith *Fitzherbert* agrees in his *Nat. Brev. fol.* 161. So that by this Rule all the Land in the Realm is either ancient Demesne or *Frank-fee*. The Author of the *Terms of Law* defines *Frank-fee* to be a Tenure in Fee-simple of Lands pleadable at the Common Law, and not in ancient Demesne. *Fachineus, lib.* 7. *cap.* 39. makes *Feudum* francum *esse pro quo nullum servitium præstatur Domino*, with whom agrees *Zasius de feudis*, part 12. saying, That therefore it is *Feudum impropriatum, quia ab omni servitio liberum.* These Lands which were held in *Frank-fee*, were exempted from all Services, but not from Homage.

Frank-ferm, *Firma Libera*, Is Land or Tenement, wherein the Nature of *Fee* is changed by Feoffment out of Knights-service for several yearly Services; and whence neither Homage, Worship, Marriage, nor Relief may be demanded, nor any other Service not contained in the Feoffment. *Britton, cap.* 66. *num.* 3. See *Fee-farm.*

Frankfold Is where the Lord hath the Benefit of *folding* his Tenants Sheep within his Manor, for the manuring his Land. *Keil. Rep. fol.* 198. *a. Quod Vassallis olim & Usufructuariis denegatum, Manerio-rum & prædiorum Dominis solum competebat*, says Mr. *Somner.* It is compounded of the Fr. *Franc, i. e.* Free, and the Sax. *Fald, i. e.* a Fold. See *Faldage.*

Frank-law, *Libera Lex.* See *Crompt. Just. fol.* 156. where you shall find what it is by the Contrary; for he that for an Offence, as Conspiracy, &c. loseth his *Frank law*, is said to fall into these Mischiefs; First, That he may never be impanelled upon any Jury or Assise, or otherwise used in testifying any Truth. Next, If he have any Thing to do in the King's Court, he must not approach thither in Person, but appoint his Attorney. Thirdly, His Lands, Goods, and Chattels must be seised into the King's Hands; and his Lands must be estreaped, his Trees rooted up, and his Body committed to Prison; for this the said Author citeth *Lib. Assis. fol.* 59. *Conspiracy*, 24 *E.* 3. *fol.* 34. See *Conspiracy.*

Frank-marriage, *Liberum maritagium*, Is a Tenure in Tail special, growing from these Words in the Gift comprised, *Sciant, &c. me* M. H. *de* W. *dedisse & concessisse & præsenti Charta mea confirmasse* J. A. *filio meo &* Margeriæ *uxori ejus, filiæ veræ* T. N. *in liberum maritagium unum Messuagium, &c.* West. Symbol. part 1. lib. 2. sect. 303. The Effect of which Words is, That they shall have the Land to them and the Heirs of their Bodies, and shall do no Fealty to the Donor till the fourth Degree. See *Terms de la Ley. Glanvil, lib.* 7. *cap.* 18. and *Bract. lib.* 2. *cap.* 7. *num.* 4. divideth *Maritagium in liberum & servitio obligatum.* See *Marriage. Fleta* gives this Reason why the Heirs do no Service until the fourth Descent. *Ne donatores vel eorum hæredes, per homagii receptionem, a reversione repellantur.* And why in the fourth Descent, and downward, they shall do Service to the Donor, *Quia in quarto gradu vehementer præsumitur, quod terra non est pro defectu hæredum Donatoriorum reversura*, lib. 3. cap. 11. All this appears very plain in *Bracton's* Words, who tells us, That *Maritagium liberum est ubi donator vult quod terra sic data erit quieta & libera ab omni seculari servitio quod ad dominium feodo possit pertinere, & ita quod ille cui data sit nullum omnino inde faciat servitium usque ad tertium hæredem, & usque ad quartum gradum.* And then he mentions how the Degrees shall be computed, *viz.* The Donee himself shall be in the first Degree, his Heir in the Second, his Heir in Third, and his Heir in the fourth Degree; and afterwards the Land was subject to all the former Services, because it was supposed then to revert to the Lord for Want of Heirs. So that it was exempted only *usque ad quartum gradum.*

The Lands which were given in Marriage & *servitio obligata*, were, with a Reservation of the Services, due to the Lord, which the Donee and his Heirs were bound to perform for ever; but neither he, or the next two Heirs were bound to do Homage; that was to be done when it came to the fourth Degree, and not before; and then both Services and Homage were to be performed.

Frank-pledge, *Franci plegium*, From the French *Frank, liber*, and *pledge*, i. *fidejussor*, signifies a *Pledge* or Surety for Freemen: For the ancient Custom of Freemen of *England*, for the Preservation of the publick Peace, was, That every Free-born Man at fourteen Years of Age, (Religious Person, Clerks, Knights, and their eldest Sons excepted) should find Surety for his Truth towards the King and his Subjects, or else be kept in Prison; whereupon a certain Number of Neighbours became customably bound one for another, to see each Man of their *Pledge* forthcoming at all Times, or to answer the Transgression committed by any gone away: So that whosoever offended, it was forthwith inquired in what *Pledge* he was, and then they of that *Pledge* either brought him forth within 31 Days to his Answer, or satisfied for his Offence. This was called *Frank-pledge*, and the Circuit thereof *Decenna*, because it commonly consisted of ten Households, and every particular Person, thus mutually bound for himself and his Neighbours, was called *Decennier*, because he was of one *Decenna* or another. This Custom was so kept, that the Sheriffs at every County-Court did, from Time to Time, take the Oaths of young Ones, as they attained the Age of fourteen Years, and see that they were comprised in some *Dozen*; where-

upon this Branch of the Sheriffs Authority was ſtiled *Viſus Franci Plegii*, *View of Frank-pledge*. See the Statute for *View of Frank-pledge*, made 18 *E.* 2. See alſo *Decennier*, *Leet*, *View of Frank-pledge*, and *Friborgh*. That we borrowed this Cuſtom of the *Lombards*, manifeſtly appears in the ſecond Book of *Feuds*, *cap.* 53. upon which read *Hotoman*, &c. What Articles were wont to be enquired of in this Court, ſee in *Horn's Mirror of Juſtices*, *lib.* 1. *cap. de la veue des* Frank-pledges; and what theſe Articles were in former Times, ſee in *Fleta*, *lib.* 2. *cap.* 52. and 4 *par. Inſt. fol.* 73. In an ancient Charge of the Queſt of *Wardmote*, in every Ward in *London*, it is ſaid, *And if there be any Perſon within the Ward that is not under* Frank-pledge, that is to ſay, *under Love and Law*, &c. This may alſo be ſeen in *Bracton*, *lib.* 3. *tract. de corona*, *cap.* 10. *viz. Omnis homo, ſive liber ſive ſervus, aut eſt vel debet eſſe in* Franco Plegio, *aut de alicujus manupaſtu, niſi ſit aliquis itinerans de loco in locum, qui non plus ſe teneat ad unum quam ad alium, vel quid habeat quod ſufficiat pro* Franco Plegio, *ſicut dignitatem, vel ordinem, vel liberum tenementum, vel in civitate rem immobilem*, &c.

Fraſſetum, A Wood or woody Ground. 1 *Inſt. fol.* 4. *b.* I take it to be a Corruption of *Fraxinetum*, a Wood where Aſhes grow.

Fraternia, A Fraternity, Brotherhood, or Society of religious Perſons who were mutually bound to pray for the good Health and Life, &c. of their living Brethren, and the Souls of thoſe that were dead. In the Statutes of the Cathedral Church of St. *Paul's* in *London*, collected by *Ralph Baldock* Dean, 1295. there is one Chapter *de Fraternia Beneficiorum Eccleſiæ S. Pauli*: And the Inſtitution of it in that Church is thus recorded. *Anno ab incarnatione Domini*, M. C. xc. vii. *in craſtino aſcenſionis beatæ Mariæ, auctoritate Radulphi de Diceto Eccleſiæ S. Pauli Lundoniorum Decani, & aſſenſu Fratrum Canonicorum inſtitutum eſt ut in ſingulis annis quater in anno conveniant univerſi Officium pro defunctis Fratribus Societatis——— celebraturi, & quotquot erunt Sacerdotes ejuſdem Societatis fratres eadem die——— miſſam celebrabunt*, &c.——— *Ex Libro Statut. Eccl. Paul. Lond. Script. ad mandatum Tho. Lyſeaux Decani.* MS. f. 24. b.

Frater Nutricius, a Baſtard Brother; ſo *Malmsbury* uſes it; and ſo I have ſeen it uſed in old Deeds.

Fratrueles, The Sons of two Brothers. *Succeſſit* Fratruelis *ejus in regnum*, &c.

Fratruus, The Brother's Son.

Fratres conjurati Are ſworn Brothers or Companions, *Simeon Dunelm. pag.* 81, 190, 203. and *Hoveden*, *pag.* 445. Sometimes they are ſo called who were ſworn to defend the King againſt his Enemies. *Leg. W.* 1. *cap.* 59. *Præcipimus ut omnes liberi homines ſint* Fratres conjurati *ad monarchiam noſtram & regnum noſtrum contra inimicos pro poſſe ſuo defendendum.* Leg. Edw. cap. 35.

Fratres-pyes Were Friars wearing black and white Garments: They are mentioned in *Walſingham. pag.* 124. *viz. In quodam cœmeterio quod fuerat quondam fratrum quos* Freres-pyes *veteres appellabant.*

Fratriagium Is that Part of the Inheritance which comes to the younger Brothers; for whatever they poſſeſs of the Father's Eſtate, they poſſeſs it *ratione Fratriagii*, and are to do Homage to the elder Brother for it, becauſe he is bound to do Homage for the Whole to the ſuperior Lord. *Bracton*, *lib.* 2. *cap.* 35. *Fleta*, *lib.* 3. *cap.* 16. *Par.* 6, 7.

Frechenchia, *Fretchenchia*. Among the cuſtomary Services done by the Tenants in *Cheleſworth*, a Manor belonging to the Abbey of St. *Edmundibury*——— *præterea numeret ad firmam unam ſummam & dimidiam de braſio avenæ, & dimidiam ſummam de grano ordei, & dimidiam ſummam frumenti, & quarterium vaccæ & dimidiam* Freſchenciam *pacabiles, & unam ancam*, &c. *Cartular.* 8. Edmundi, MS. f. 410.——— *unam ſummam frumenti & dimidiam vaccam & unam* Freſchenciam *pacabiles*, *ib.* where by *Freſchencia* I think is meant a Porkerr or young Hog killed for Pork, not Bacon.

Frectatus, *Navis Frectata*, A Ship freighted, a laden Veſſel——— *In Proceſſu Placiti coram majore villæ* Briſtol *anno* 18 Edw. 2. *compertum eſt quod Magiſter Navis Sancti dominici de Placentia, & alii ſocii ſui monſtraverunt domino Regi quod* frectati *fuerunt cum vinis adducendis in Flandriam.*

Frecta, Fret-work, *Frectatus*, fretted, *Frictatus*. So *Frectura*, a Freſſe, or Fretture——— *Capſa operta ſameto rubeo, cum* frectis *& ſcutis breudatis, præterquam in tergo.* Mon. Angl. tom. 3. pag. 321. *Unus pannus de viridi campo, cum roſulis inter* Frecturas, ib. p. 326. *Sandalia——— cum caligis breudatis &* Frecturis, *de armis palatis & undatis*, ib. p. 314.

Fredwit. See *Fledwit.*

Fredum Was a Compoſition paid by a Criminal, to be freed from Proſecution, of which the third Part was paid into the Exchequer, and that was called *Fredum.* See *Delatura.*

Free-bench, **Free-bank**, *Francus bancus*, that is, *ſedes libera*, ſignifies that Eſtate in Copy-hold Lands, that the Wife being eſpouſed a Virgin hath, after the Deceaſe of her Husband, for her Dower, according to the Cuſtom of the Manor: (*Kitchin*, *fol.* 102.) As at *Orleton* in the County of *Hereford*, the Relict of a Copyhold Tenant is admitted to her *Free-bench*, that is, to all her Husbands Copyhold Lands, during her Life, at the next Court after her Husband's Death. *Bracton*, *lib.* 4. *tract.* 6. *cap.* 12. *num.* 3. hath theſe Words, *Conſuetudo eſt in partibus illis, quod uxores maritorum defunctorum habeant* francum bancum *ſuum de terris ſockmannorum, & tenent nomine dotis. Fitzherbert* calls it a *Cuſtom*, whereby in certain Cities, the Wife ſhall have her Husband's whole Lands, &c. for her Dower. *Nat. Brev. fol.* 150. See *Plowden*, *fol.* 411. In the Caſe of *Newis*. Of the *Free-bench*, ſeveral Manors have ſeveral Cuſtoms, as at *Eaſt* and *Weſt Enborne* in the County of *Berks*, if a cuſtomary Tenant die, the Widow, ſhall have her *Free-bench* in all his Copyhold Lands, *dum ſola & caſta fuerit*; but if ſhe commit Incontinency, ſhe forfeits her Eſtate: Yet if ſhe will come into the Court riding backward on a black Ram, with his Tail in her Hand, and ſay the Words following, the Steward is bound by the Cuſtom to re admit her to her *Free-bench.*

Here I am
Riding upon a black Ram,
Like a Whore as I am;
And for my Crincum Crancum,
Have loſt my Binkum Bankum;
And for my Tail's Game,
Have done this worldly Shame,
Therefore I pray you, Mr. Steward, let me have my Land again.

The like Cuſtom there is in the Manor of *Chadleworth* in the ſame County; in that of *Torre* in *Devonſhire*, and other Parts of the Weſt.

Free-bord, *Francbordus*, in ſome Places they claim as a *Free-bord*, more or leſs Ground beyond or without the Fence. *In Mon. Angl. 2 par. fol.* 241. it is ſaid to contain two Foot and a half, viz. *Et totum boſcum vocat. Brendwood cum* frankborda, *Et ducorum pedum & dimid. per circuitum illius boſci, &c.*

Free-Chapel, *Libera Capella*, In the Opinion of ſome is a *Chapel* founded within a Pariſh, for the Service of God, by the Devotion and Liberality of ſome good Man, over and above the Mother-Church, to which it was *free* for the Pariſhioners to come, or not to come, and endowed with Maintenance by the Founder, and thereupon called *Free*. Others with more Probability ſay, That thoſe only are *Free Chapels* that are of the King's Foundation, and by him exempted from the Juriſdiction of the Ordinary; but the King may licence a Subject to found ſuch a *Chapel*, and by his Charter exempt it from the *Dioceſan's* Juriſdiction. That it is called *Free* in Reſpect of its Exemption from the Dioceſan's Juriſdiction, appears by the *Regiſter of Writs, fol.* 40, 41. Theſe *Chapels* were all given to the King, with Chanteries, 1 *E.* 6. 14. *Free-Chapel* of St. *Martin le Grand*, 3 *E.* 4. *cap.* 4. and 4 *E.* 4. *cap.* 7.

Freedtoll. See *Fridſtoll.*

Freehold, Frank-tenement, *Liberum tenementum*, Is that Land or *Tenement* which a Man holdeth in Fee, Fee-tail, or at the leaſt for Term of Life. *Bract. lib.* 2. *cap.* 9. In *the Terms of the Law* 'tis ſaid, That *Freehold* is of two Sorts, *Freehold in Deed*, and *Freehold in Law: Freehold in Deed* is the real Poſſeſſion of Land or *Tenements* in Fee, Fee-tail, or for Life. *Freehold in Law* is the Right that a Man hath to ſuch Land or *Tenements* before his Entry or Seiſure. It hath likewiſe been extended to thoſe Offices which a Man holdeth either in Fee, or for Term of Life. *Briton* defines it to this Effect, *Frank tenement* is a Poſſeſſion of the Soil, or Services iſſuing out of the Soil, which a Freeman holdeth in Fee to him and his Heirs, or at the leaſt for Term of his Life, though the Soil be charged with free Services or other, *cap.* 32. *Freehold* is ſometimes taken in Oppoſition to Villenage. *Bract. lib.* 4. 37, 38. *Lambard* in his Explication of *Saxon* Words, *verb. Terra ex ſcripto* ſaith, That Land in the *Saxons* Time was called either *Book-land*, that is, holden by Book or Writing; or *Folc-land*, that is, holden without Writing. The former he reports was held with far better Condition, and by the better Sort of Tenants, as Noblemen and Gentlemen, being ſuch as now we call *Freehold*. The later was commonly in the Poſſeſſion of Clowns, being that we now call *Ad voluntatem Domini*, *At the Will of the Lord*. The *Regiſter Judicial, fol.* 68. and in divers other Places ſaith, That he which holds Lands upon an Execution of a *Statute-Merchant*, until he be ſatisfied the Debt, *Tenet ut liberum* tenementum *ſibi & aſſignatis ſuis.* And *fol.* 73. the ſame may be read of a Tenant by *Elegit*, where the Meaning is not, that they be *Freeholders*, but as *Freeholders* for their Time, that is, until they have gathered Profits to the Value of their Debt. *Freeholders* in the ancient Law of *Scotland* were called *Milites. Skene de verbor. ſignif. verb.* Milites. *Doctor and Student*, that the Poſſeſſion of Land after the Law of *England*, is called *Frank-tenement*, or *Freehold*, *fol.* 97. *a.*

Fraxinetum, A Wood of Aſhen Trees. *Domeſday.*

Fremenfreda. See *Femenefrith.*

Frenchman, *Francigena*, was heretofore wont to be uſed for every outlandiſh Man. *Bracton, lib.* 3. *tract.* 2. *cap.* See 15 *Engleſcery.*

Frendleſs-man Was the *Saxon* Word for him that we call an *Outlaw*, and the Reaſon might be, becauſe upon his Excluſion from the King's Peace and Protection, he was denied all Help of *Friends* after certain Days. *Nam forisfecit amicos. Bract. lib.* 3. *tract.* 2. *cap.* 12. *num.* 1. whoſe Words are theſe, *Talem vocant Angli* (*utlough*) *& alio nomine antiquitus ſolet nominari, ſc.* Frendleſs-man, *& ſic videtur quod forisfecit amicos, & unde ſi quis talem poſt Utlagariam & expulſionem ſcienter paverit, receptaverit vel ſcienter communicaverit aliquo modo, vel receptaverit, vel occultaverit, eadem pœna puniri debet, qua puniretur utlagatus, ita quod careat omnibus bonis ſuis & vita, niſi Rex ei parcat de ſua gratia.*

Frendwite *vel* **Infeng**, *Significat quietantiam prioris priſæ ratione convivii.* Fleta, lib. 1. cap. 47. See *Forfeng.* I cannot apprehend what *Fleta* meant by this Expoſition of the Word, I rather think it was a Mulct exacted of him, who harboured his outlawed Friend: 'Tis derived from the Sax. *Freond*, *amicus*, and *wite*, *multa.*

Freſca, Freſh-water, or Rain, and *Land-Flood.* ——*Reddendo inde nobis duas marcas argenti*—— *pro omni ſervitio, niſi quod debet mallare ſecundum quantitatem illius terræ intus & extra, tam contra falſam, quam contra* freſcam, *ſicut cæteri, & curiam noſtram ſequi*—— *Charta Antiq. in* Somner *of* Gavelkind, p. 132.

Freſh Diſſeiſin, *Friſca diſſeiſina*, Cometh of the French *Fraiz*, i. *recens* and *diſſeiſir*, *a poſſeſſione ejicere:* It ſignifies ſuch a *Diſſeiſin* as a Man may ſeek to defeat of himſelf, and by his own Power, without the Help of the King or Judges, *Britton, cap.* 5. and that ſuch *diſſeiſin* as is not above fifteen Days old. *Bracton, lib.* 4. *cap* 5. whom you may read at large in this Matter, concluding that it is arbitrary, and ſo doth *Britton, cap.* 65. But *cap.* 43. he ſeemeth to ſay, That in one Caſe it is a Year. See him alſo, *cap.* 44.

Freſh fine Is that which is levied within a Year paſt. *Weſtm.* 2. *cap.* 45. *Anno* 13 *E.* 1.

Freſh force, *Friſca fortia*, Is a *Force* done within forty Days, as ſeems by *F. N. B. fol.* 7. For if a Man be diſſeiſed of any Lands or Tenements within any City or Borough, or deforced from them after the Death of his Anceſtor, to whom he is Heir, or after the Death of his Tenant for Life, or in Tail; he may within forty Days after his Title accrued, have a Bill out of the Chancery, to the Mayor, *&c.* See the Reſt there, and *Old. Nat. Brev. fol.* 4.

Freſh Suit, *Recens inſecutio*, Is ſuch a preſent and earneſt following of an Offender, as never ceaſeth from the Time of the Offence committed or diſcovered, until he be apprehended And the Effect of this in the *Purſuit* of a Felon is, that the Party *purſuing* ſhall have his Goods again, whereas otherwiſe they are the King's. Of this ſee *Staundf. pl. cor. lib.* 3. *cap.* 10 & 12. where you ſhall find handled at large what *Suit* is to be accounted *freſh*, and what not. And the ſame Author in his firſt Book, *cap.* 27. ſaith, That *Freſh Suit* may continue for ſeven Years. See *Coke's Rep. lib.* 3. *Ridgeway's* Caſe. *Freſh Suit* ſeemeth to be either within the View or without; For *Manwood* ſaith, That upon *Freſh Suit* within the

the View, Treſpaſſers in the Foreſt may be attached by the Officers purſuing them, though without the Limits and Bounds of the Foreſt. *cap.* 19. *per totum.*

Frettum Britannicum, The Streights between *Dover* and *Calais.*

Frettum, *Freight-Money.*—— *Acquietari facietis* frettum *navium ſecundum quod Marinelli earundum Navium probare poſſint quod erit debitum de* Fretto—— Clauſ. 17 Joh. m. 16.

Friar or Frier, (Lat. *Frater*, Fr. *Frere*) An Order of religious Perſons, of which, theſe are reckoned the principal Branches, *Anno* 4 *H.* 4. *cap.* 17. *viz. Minors*, *Grey Friars*, or *Franciſcans*, *Auguſtins*, *Dominicans*, or *Black Friars*, and *White Friars*, or *Carmelites*, from which the Reſt deſcend. See *Zacchius de Repub. Eccleſ. pag.* 380. and *Lyndewode*, *Tit. de relig. Domibus*, *c.* 1. *verbo*, Sancti Auguſtini.

Friar obſervant, *Frater obſervans*, Is an Order of *Franciſcans*, which are *Minors*, as well the *Obſervants* as the *Conventual*, and *Capuchines*. *Zach. de Rep. Eccleſ. tract. de Regular. cap.* 12. Theſe we find mentioned *Anno* 25 *H.* 8. *cap.* 12. They be called *Obſervants* becauſe they are not combined together in any Cloiſter, Convent or Corporation, as the *Conventuals* are; but only tie themſelves to obſerve the Rites of their Order more ſtrictly than the *Conventuals* do; and upon a Singularity of Zeal, ſeparate themſelves from them, living in certain Places, and Companies of their own chuſing: And of theſe you may read *Hoſpinian de Orig. & Progreſſ. Monachatus*, *fol.* 878. *cap.* 38.

Friburgh alias Frithborw, (from the Saxon *Frith*, i. e. *Pax*, and *Borge*, i. e. *Fidejuſſor*) is the ſame with *Francpledge*, the one being in the *Saxons* Time, the other ſince the Conqueſt; wherefore, for the Underſtanding this, read *Frankpledge*, and the Laws of King *Edward*, ſet out by *Lambard*, *fol.* 143. in theſe Words; *Præterea eſt quædam ſumma & maxima ſecuritas*, *per quam omnes ſtatu firmiſſimo ſuſtinentur*, *viz. ut unuſquiſque ſtabiliat ſe ſub fidejuſſionis ſecuritate*, *quam Angli vocant*, (Freoborghes) *ſoli tamen Eboracenſes dicunt eandem* (Tienmannatale) *quod ſonat latine decem hominum numerum*, *&c.* Every Man in this Kingdom was aſſociated in a Decennary, that is, in a Company of ten Families, who were pledged or bound for each other to keep the Peace and obſerve the Laws, and if any Offence was done by one, the other nine were to anſwer it; that is, if the Criminal fled from Juſtice, they had thirty Days allowed to apprehend him; if he was not taken in that Time, then he who was the *Friburgh*, (that is, the principal Pledge) of the Ten, ſhould take two of his own Number, and the chief Pledges of three neighbouring *Friburghs*, with two others out of each of thoſe *Friburghs*, in all twelve Men, whereof four were to be the Chief, and the other eight were to be of the better Sort, and thoſe were to purge themſelves and their *Friburgh*, of the Forfeiture and Flight of the Criminal, which if they could not do, then the principal Pledge, with the other eight to whom he did belong, was to make full Satisfaction; but afterwards it became difficult to get the three neighbouring *Friburghs* to join with the other, and therefore thoſe other nine made Oath that they were not Guilty, and that they would bring the Criminal to Juſtice as ſoon as he ſhould be taken. *Bracton* mentions *Fridburgum*, *lib.* 3. *Tract.* 2. *cap.* 10. in theſe Words, *Archiepiſcopi*, *Epiſcopi*, *Comites & Barones & omnes qui habent Soc & Sac*, *Tol & Team*, *& hujuſmodi libertates*, *milites ſuos & proprios ſervientes*, *Armigeros*, *&c. Dapiferos*, *& pincernas*, *camerarios*, *coquos*, *piſtores*, *ſub ſuo* Fridburgo *habere debent. Item & iſti ſuos Armigeros & alios ſibi ſervientes*; *quod ſi qui forisfecerint*, *ipſi Domini ſui habeant eos ad rectum*, *& ſi non habuerint*, *ſolvant pro eis forisfacturam. Et ſic obſervandum erit de omnibus aliis qui ſunt de alicujus manupaſtu.* Where we learn the Reaſon, why great Men were not combined in any ordinary *Dozein*; becauſe they were a ſufficient Aſſurance for themſelves, and for their menial Servants, no leſs than the Ten were one for another in ordinary *Dozeins*. See *Skene*, verbo *Freiborg*. *Fleta* writes it *Frithborgh*, and uſeth it for the principal Man, or at leaſt for one of the *Dozein*. *Lib.* 1. *cap.* 47. See *Hoveden parte poſter. Annal. in Hen.* 2. *fol.* 345. But *Spelman* makes a Difference between *Friborg*, and *Frithborgh*, ſaying, The firſt ſignifies *libera ſecuritas*, or *fidejuſſio*; the other *pacis ſecuritas.*

Friomannus. See *Frithmannus.*

Fridſtoll and Frithſtow, (from the Saxon *Frith*, *pax*; *Stol*, *ſedes*, *cathedra*; *Stoth*, *locus*) A Seat, Chair or Place of Peace. In the Charter of Immunities granted to the Church of St. *Peter* in *York*, by *Hen.* 1. and confirmed, *An.* 5 *H.* 7. Thus,—— *Quod ſi aliquis*, *veſano ſpiritu agitatus diabolico auſu quemquam capere præſumerit*, *in* Cathedra *lapidea juxta Altare*, *quod Anglici vocant* Fridſtoll, *i. e.* Cathedra *quietudinis vel pacis*; *hujus tam flagitioſi Sacrilegii emendatio ſub nullo Judicio erat*, *ſub nullo pecuniæ numero claudebatur*, *ſed apud Anglos* Botelee, *hoc eſt*, *ſine emenda*, *vocabatur.* Of theſe there were many others in *England*, but, the moſt famous at *Beverley*, which had this Inſcription, *Hæc ſedes lapidea* Freedſtoll *dicitur*, *i. e. Pacis Cathedra*, *ad quam reus fugiendo perveniens*, *omnimodam habet ſecuritatem.* Camb. It ſignifies alſo a Palace, which is uſually a privileged Place.

Fridwite quaſi *Ferdwit:* 'Tis a Mulct paid by him who deſerted the Army: From the Saxon *Fyrd*, *expeditio*, and *Wite*, *Mulcta.*

Frilazin. A Freeman: From the Saxon *Freoh*, *liber*, and *Laſſen*, *dimittere.*

Frilina, *i. e.* A Freeman: From the Sax. *Freoh*, *liber* and *Ling*, *progenies.*

Frinigeldum, The mulct of a Freeman.

Friperie Is deduced from the French *Fripier*, *interpolator*, one that ſcoureth up and cleanſeth old Apparel to ſell again: It is uſed for a Kind of Broker. *Anno* 1 *Jac. cap.* 21.

Friſcus, Uncultivated Land. *Et de communia Paſturæ in* Friſcis *& dominicis ſuis.* Monaſt. 2 tom pag. 56.

Friſocne. See *Frithſocne.*

Frith, A Wood, from the Sax. *Frith*, *pax*; for the Engliſh *Saxons* held ſeveral Woods to be ſacred, and made them Sanctuaries.

Frithborgh. See *Free borgh.*

Frithbrech, *Pacis violatio*, the Breaking of the Peace. *Leg. Ethelredi*, *cap.* 6. See *Frythe.*

Frithgear. *Inter Leges Presbyterorum Northumbrenſium*, cap. 48. *Si ſuperſtitioſus ille conventus qui* Frithgear *dicitur*, *habitus fuerit in terra alicujus circa lapidem*, *arborem*, *fontem*, *&c.* Mr. *Somner* thinks it a Sort of *Jubilee*, or Yearly Meeting for Peace and Friendſhip, from Sax. *Frith*, Peace, and *Gear*, a Year.

Frithgild, The ſame which we now call a Guild-Hall, or a Fraternity or Company.

Frithmannus, One who is of a Fraternity or Company.

Frithmote per Frithmote, *J. Stanley Arm. clamat capere annuatim de villa de* Otton *quæ eſt infra feodum & Manerium de* Aldford *infra foreſtaria de la mer* 10 *ſol. quos Comites Ceſtriæ ante confectionem curiæ prædictæ ſolebant capere.* Pl. in Itin. apud Ceſtr. 14 H. 7.

Frithſorne and **Frithſoke**, (*Frith*, i. e. *Pax* and *Socne*, *Libertas*) *Tuendæ pacis Juriſdictio*; or (according to *Fleta*) *Libertas habendi franci plegii*; or, *immunitatis locus.*

Froborg or **Freoburgh**, (from the Saxon *Freo*, i. e. *Free*; and *Borge*, i. e. *Fidejuſſor.*) See *Friburg* and *Frankpledge.*

Frodmortel, rectius **Freomortel**, (from the Saxon *Freo*, *Free*; and *Morth-dæd*, *Homicidium*) An Immunity or Freedom granted for committing Manſlaughter. *Et concedo eis curiam ſuam de omnibus querelis, &c. & judicium ſuum pro* Frodmortell, *& quod homines ſint credendi per ſuam* Ya *& per ſuum* Na. Monaſt. 1 Tom. pag. 173.

Charta *Adelſtani* Regis, Sancto *Wilfrido* de *Rippon* conceſſa.

Wyt all that es and es gan,
Wat ik King Adelſtan
As given als frelith as J may,
And to ye Capitel of Seint Wilfrai,
Of my free Devotion
Wair pees at Rippon;
* Makes it a Sanctuary. On ilke ſide the * kyrke a mile,
For all ilk deeds and ſlke agyle;
And within wair Kirke yate
* Sedes pacis. At ye ſtan yat * Grithſtole hate.
Within ye kyrke dore and ya quare,
Wair have pees for les and mare.
Ilkan of pis ſtedes ſal have pees
Of Frodmortel and ils deeds
Wat wair don is, Tol, Tem,
* Fire and Water, Ordeal. With * Iron and with Water deme,
And pat ye Land of Seint Wilfrai
Of alkyn * geld free ſal be ay.
* Free from Tax and Tribute. At nai nan at langes me to
In pair * Herſlac ſal have at do;
And for ik will at pai be ſaue
* *Frithſoke*, or Place of Immunity. J will at pai alkyn freedome have:
And in all things be als free
As hert may think, or eygh may ſee:
At te power of a Kinge
Ex Monaſt. Ang. 1. *pag. fol.* 172. *b.* Walls make free any thynge.
And my ſeale have J ſat perto
For J will at no Man it undo.

Froyſe, Among the Cuſtoms of the Abbey of Saint *Edmondsbury*, ſolemnly declared by the Abbot, Prior, and Convent, 17 *Kal. Novemb.* 1280. ——— *Quia multoties refectio Conventus in Refectorio propter defectum piſcium tenuis habetur & exilis, de cætero cibarium illud quod dicitur* Froyſe *certis diebus in refectorio tam pro ferculo quam pro pitantiis prandentibus apponatur, ut ex eo melius reficientur & recreentur,*——— Cartular. St. Edmundi, MS. *penes Joh. Ep'um Norwic. f.* 102. By which we may conclude the old Conventual *Froyſe* was plain Pancakes or Fritters, not fried with Bacon intermixt, as what we ſtill call *Froyſe* is now prepared.

Frumgyld, Is an old *Saxon* Word, which ſignifies the firſt Paymant made to the Kindred of a ſlain Perſon, in Recompence of his Murder. *Leg. Edmundi, cap. ultimo.*

Frumſtol, *Sedes primaria*, The chief Seat or Manſion-Houſe. *Leg. Inæ Reg. cap.* 38.

Fruſca terra, Uncultivated and deſart Ground, ——— *Fundata fuit Eccleſiola in ſitu ſeu fundo* ——— *continente* 40 *acras terræ* fruſcæ——— *quas quidem* 40 *acras*——— *ſine aliquo ſeculari ſervitio, ſine decimis alicui Eccleſiæ ſolvendis, ſeu ſubjectione, quia inanes erant & vacuæ*——— *donavit.* Mon. Angl. tom. 2. pag. 327.

Fruſſare terram, To break up new Ground and reduce it in *fruſſuram*, into new broke Land ———*Idem Galfridus conceſſit prædicto Abbati decem acras terræ ad* fruſſandum *cum viginti quatuor acris terræ quæ* fruſſatæ *ſunt in Baddebury. Salvo prædicto Galfrido & hæredibus ſuis communi paſtura in prædicta* fruſſura *poſt blada aſportata.* Cartular. Abbat. Glaſton. MS. fol. 48. *a. Fruſrire terram* in the ſame Senſe, *ibid. f.* 90. and *Fruſretum* for a Field new broke up, *ibid. fol.* 71.

Fruſſetum, A Wood, or woody Ground. *Domeſday.*

Fruſſura, (from the Fr. *Froiſſure*) A breaking down or demoliſhing, alſo a plowing or breaking up,—— *Dedi eis nonam garbam tam in* Fruſſuris, *quæ de novo fiunt, quam in, &c.* Mon. Angl. 2 Par. fol. 394. b.———*Nec licebit eis aliquam partem paſturæ* fruſſire, *vel excolere ſine licentia.* Finalis Concord. in Curia Dom. Regis apud Litchfeild coram Roger. de Thurkilby, *&c. Dictam autem nonam garbam dabimus ego & hæredes mei in perpetuum tam in* Fruſſuris *quæ de novo fiunt, & in* Fruſſuris *quæ de cætero fiunt, &c.* Monaſt. 2 Tom. pag. 394.

Fruſſura Domorum, Houſe-breaking. *Rectatus de latrociniis & fruſſura domorum.* Gervas, Dorobern. Sub anno 1195. *Fruſſura terræ.* New broke Land, or lately ploughed up.——*Dictam autem nonam garbam dabimus, Ego & hæredes mei in perpetuum, tam in fruſſuris quæ de novo fiunt, quam in aliis terris Dominii mei prius cultis*—— Mon. Angl. tom. 2. p. 394.

Fruſtrum terræ, Or, according to *Spelman*, *Fruſtum*, A ſmall Piece of Land, *Reſiduum quiddam præter acras numeratas vel campum menſuratum. Cum in* Domeſday Fruſtrum terræ *accipiatur pro ampla portione ſeorſum a campo villæ, Manerio jacenti. Domeſday, Tit.* Hantiſc. Rex Abedeſtone. *In inſula habet Rex unum* Fruſtrum terræ *unde exemit* 61 *Vomeres.*

Frutectum, A Place where Shrubs, or great Herbs with big Stalks grow.—— *Damus etiam eiſdem decimas de omnibus Novalibus noſtris*, i. e. *De terris quas de paludibus & de* frutectis *in terram arabilem traximus, per nummos vel per Kirſete.* Mon. Angl. 3 Par. f. 92. a.

Fryth. Sir *Edward Coke* (*on Litt. fol.* 5. *b.*) expounds it, a Plain between two Woods, a Lawnd. *Chaucer* uſes it for a Wood. *Cambden* (in his *Britton*) for an Arm of the Sea, or Streight between two Lands, from *Fretum*,—— *Maketh his Iſſue into the Eſtuary or* Frith *of* Thames. *Smith* (in his *England's Improvement*) makes it ſignify all Hedge-wood, except Thorns. How to reconcile theſe, I know not; but am ſure the Saxon *Frith*, ſignifies Peace, and that *Fryth* in our Records is often uſed for a Wood. *Lector, tu tibi Oedipus eſto.*

Frythborgh, from the Sax. *Frith*, i. e. *Pax*, and *Borge*, *fidejuſſor.*—— *Et ſint quieti de* Frythborgh, *& de* Blodewite, Fithwite, & Ferdwyte, &c. 4 *Paſch.* 6 *Hen.* 4. *Rot.* 24. It might here ſignify a Freedom from giving Security of the Peace.

Frytting of Wheels, Perhaps what we now call the Rinding of Wheels, *i. e.* fitting and faſtning the *Fellows* (or Pieces of Wood that conjointly make the Circle) upon the *Spokes*, which on the Top are let into the *Fellows*, and at the Bottom into the *Hub.*——*In ſolutis pro* fryttynge *quinque rotarum hoc anno* vii. *denar.*—— Paroch. Antiq. p. 574.

Fuage or **Focage**, Derived *a foco:* In the Reign of *Edward* the Third, the black Prince of *Wales* having *Acquitaine* granted him, laid an Impoſition of *Fuage* or *Focage* upon the Subjects of that Dukedom, *viz.* Twelve-pence for every Fire, called *Herth-Money*, *Rot. Parl.* 25 *E.* 3. 'Tis probable our *Hearth-Money* took its Original from hence.

Fuarium. See *Sidlingi.*

Fuer, *Fuga*, from the French *Fuir*, *Fugere*; Though it be a Verb, yet it is uſed ſubſtantively, and is two-fold; *Fuer in fait* (*in facto*) when a Man doth apparently and corporally fly, and *fuer in ley* (*in lege*) when being called in the County he appeareth not, until he be outlawed; for this is Flight in Interpretation of Law, *Staund. pl. cor. lib.* 3. *cap.* 22.

Fuga Catallorum, A Drove of Cattle. See *Stretewarð.*

Fugaria Signifies a Chaſe, and is all one with *Chaſea. Charta Matildis Imperatricis Miloni de Glouc.* —— *Præcipio quod hæc omnia teneat de me*—— *libere & quiete, in boſco & plano, in Foreſtis &* Fugaciis, *in pratis & paſturis, &c.*

Fugare & refugare Catalla, To drive Cattle to and fro, forward and backward. *Antiquit.* of *Nottinghamſhire, fol.* 462.

Fugare alſo ſignifies to Hunt: *Prohibeo ne quis ſine licentia mea* Fuget.

Fugatio, *Pro fugandi actu*, Hunting, or the Liberty or Privilege to hunt. *Et Cives habeant* Fugationes *ſuas ad fugandum, ſicut melius & plenius habuerunt Anteceſſores eorum, in Chiltre & Middleſex & Surr. &c.* Charta Libertat. Hen. 1. Civibus London. *Fugatio Foreſtæ*, the Drift of the Foreſt.

Fugatores Carrucarum, Waggoners who can drive Oxen equally yoaked, without beating or goading. *Fleta, lib.* 2. *cap.* 78. *Par.* 1.

Fugirium, (Fr. *Fougiere*) Fern. Liskiret. *Item eſt ibidem quidem boſcus vocat.* Clyne, *qui valet per annum, cum Pannagio, melle,* fugerio & *Jampno ejuſdum*, iii s. Survey of the Dutchy of *Cornwal. Clauſ.* 1 *Ed.* 3. *Par.* 2. *M.* 1. *Dorſo.* In an old Foreſt Book of *Sherwood*, it is interpreted *Gorſtegraſſe.*

Fugitio, *Pro Fuga: Condonavit omnes Felonias &* Fugitiones. *Knighton, Anno* 1537.

Fugerium. *John Grey* Biſhop of *Norwich* grants to the Prior and Monks of his Cathedral Church this Privilege in his Woods at *Thorpe. Omnes exitu de nemore communi provenientes æqualiter dimidiabimus ſcil. herbagium pannagium, paſturam, bruerium, turbarium,* fugerium, *Subboſcum, radices ſiccas, placita, foriſfacturas, &c.* Ex Reg. Eccl. Norwic.

Fugitives Goods, *Bona fugitivorum*, Are the proper *Goods* of him that flieth upon Felony which after the Flight lawfully found, do belong to the King, or Lord of the Manor. *Co. Vol.* 6. *fol.* 109. See *Waif.*

Fuiſtallum, i. e. *Vinaria dolia, viz. Et de decem junctis ſalis in wickie, cum duabus ſalinis &* Fuiſtallo. Monaſt. 2. tom. pag. 89.

Fulgeria, *i. e.* Filix: *Et paſſuagium in Foreſta & herbam &* Fulgeriam *& juncos ad falcandum.* Du Cange.

Fullum aquæ, A Stream of Water, a Fleam, ſuch as comes from a Mill.

Fumage, *Fumagium*, Dung, or Manuring with Dung, *Et ſint quieti de* fumagio *& Maremio cariando, &c. charta* R. 2. *Priorat. de Hertland*, Pat. 5 E. 4. part 3. m. 13. But indeed *Fumagium* was properly Smoke-Farthings, or a cuſtomary Payment from every Houſe that had a Chimney or Fire-Hearth.

Fumathoes or **Fumadoes**, 14 *Car.* 2. *cap.* 31. Our Pilchards garbaged, ſalted, hanged in the Smoke, and preſſed, are ſo called in *Italy* and *Spain*, whither they are carried in great Numbers.

Fumaticum, The ſame with *Focagium*, which ſee.

Fundator, The *Founder* of a Church, College, Hoſpital, or other publick Benefaction. This Title in the old religious Houſes was equivalent to *Patron:* For it was not only given to the firſt actual *Founder*, but continued to thoſe Barons and Knights, who held the Fee of the Site or Endowments of ſuch Monaſteries, and by ſuch Tenure had the Patronage or Advowſon of them. And if after the Extinction or long Intermiſſion of this Title, any Perſon could prove his Deſcent from the firſt *Founder*, he was aſſumed by the Religious to the Name and Honour of their *Founder.* See Mr. *Kennet's Gloſſary* in *Fundator.*

Funditores, Uſed for Pioneers, in *Pat.* 10 *Edw.* 2. *M.* 1.

Furagium, See *Forrare. Ne* Furagium *capiatur ubicunq; in Com. Cantiæ ad equos ſuſtentandos in Caſtello de* Dover. Monaſt. 1 tom. 22.

Furbote, Fyzbote, Firebote, A Liberty granted by the Lord to his Tenant, to take Underwood for Fire, or Occaſions of burning in his Family.—— *Habeant & in boſcis meis husbote, & heybote, &* furbote.—— Cartular. Abbat. Glaſton. MS. f. 36. b.

Furca, *Seu Catefurcia, & foſſa, (i. e.* Gallows and Pit.) In ancient Privileges it ſignified a Juriſdiction of puniſhing Felons, that is, Men with *Hanging*; Women with *Drowning*: Of which laſt, take this notable Example out of the Records of *Roheſter* Church, in the Time of *Gilbert* Biſhop there, who flouriſhed under *Richard* the Firſt, *Anno* 1200.

Item duæ mulieres venerunt in villam de Suffliete, *quæ furatæ fuerunt multos pannos in villa de* Croindonc, *& ſecuti ſunt eas homines ejuſdem villæ de* Croindone, *quorum pannos furtive aſportaverunt, uſque in villam de* Sufflicte, *& ibi captæ fuerunt & incarceratæ, & habuerunt judicium ſuum in Curia de* Suffliete, *ad portandum calidum ferrum, quarum una fuit ſalva, & altera damnata, unde ſubmerſa fuit in* Bikepole. *Et hoc totum contigit tempore* Gilberti *Domini Epiſcopi, & in quolibet judicio fuerunt Coronarii Domini Regis. Et* Paulus *de* Stanes *fuit tunc* Cacherellus *de Hundredo de* Acſtane. *Et per illud tempus* Robertus *de* Hecham *Monachus fuit cuſtos de Manerio de* Sufflicte, *& ad mulieres judicandas fuit Dominus* Henricus de Cobeham, *& alii plures homines, diſcreti homines de Patria. Foſſa* is taken away, but *Furca* remains, ſays Sir *Edward Coke* in his 3 *Inſt. fol.* 58. *Skene de verbor. ſignifi. verb.* Foſſa, hath theſe Words concerning this Matter. *Erectio* furcarum *eſt meri imperii & altæ Juſtitiæ, & ſignificat Dominium aeris, quia ſuſpenſi pendent in aere: Et merum Imperium conſiſtit in quatuor, ſicut ſunt quatuor elementa: In aere, ut hi qui ſuſpenduntur. In igne, quando quis comburitur propter maleficium. In aqua, quando quis ponitur in culeo & in mare projicitur ut parricida, vel in amnem immergitur ut Fœminæ* furti *damnatæ. In terra, cum quis decapitatur & in terram proſternitur.*

Ad Furcam & Flagellum, The meaneſt of ſervile Tenure, when the Bondman was at the Diſpoſal of his Lord for Life and Limb.—— *Defendens dicit quod non debet facere dotem—— quia ipſe tenet in villenagie* ad furcam & flagillum *De Domino ſuo Richardo de Camvil*—— Placit. term. Mich. anno 2 Joh. Rot. 7.

Furcare, French *Fourcher.*—— *Caveant Vir & Mulier implacitati, quod ſemper in eſſonio alterius alter compareat, quamdiu* furcare *poſſint, & cum ultra non poſſint, concurrent eorum eſſonia in ſuis locis.*—— *Hæc autem omnia dico de pluribus Participibus, ubi terra impertita eſt, ſeu tenementum; videlicet, de* furcatione *eſſonii, & de defaltis provenientibus.* Radulf de Hengham. Magna cap. 9. See *Fourch.*

Furcare ad taſſum, To pitch Corn, in loading a Waggon, or in making a Rick or Mow. *Tenentes debent falcare, ſpargere, vertere, cumulare, cariare in manerium Domini, & ad* taſſam furcare *unam acram prati.*——

Furcare carectam, I ſuppoſe to hang a Waggon or Cart, *i. e.* to fit the Body of it to hang right upon the Axel and Wheels.—— *Allocantur eiſdem pro Richardo Plumbario* furcante *carectam per* xii. *dies* iii. *ſol.*—— *& pro Johanne Bowden* furcante carectam *per unam diem* 3 d.—— Paroch. Antiquit. p. 550.

Furchetum, That Part of the Breaſt where the Veins coming from the Liver are divided into Forks, that is, where the Breaſt is largeſt: *Conceſſit eidem Comiti, &c. duos damos idoneos quolibet Anno de prædicto parco, viz. de utroque damo quatuor membra & caput cum corio &* Forcheto, *&c.* Dugd. War. pag. 664.

Furendellus, Fardella, Ferlingus, A *Furendal, Fardingel, Farundel,* or *Ferling* of Land, *i. e.* the fourth Part of an Acre, which in *Wiltſhire* is ſtill called a *Furdingale*, and in ſome other Parts a *Furthindale.* Whence in the *North*, a *Furendale* or *Frundel* of Corn is two Gawns or Gallons, *i. e.* the fourth Part of a Buſhel. See Mr. *Kennet's Gloſſary.*

Furigeldum, A Mulct paid for Theft. Among the Laws of King *Ethelred*, made at *Wantage, cap.* 7. 'tis allowed they ſhall be Witneſſes, *qui nunquam* Furigeldum *reddiderunt, i. e.* who were never accuſed of Theft or Larceny.

Furlong, *Ferlingum terræ*, Is a Quantity of Ground containing in moſt Places forty Poles, every Pole ſixteen Foot and an half in Length; eight of which *Furlongs* make a Mile, *Anno* 35 *E.* 1. *cap.* 6. It is otherwiſe the eighth Part of an Acre; yet an old Book printed in *Henry* the Eighth's Time, makes 600 Foot, by five-ſcore to the Hundred, a *Furlong.* See *Acre.* In the former Signification, the *Romans* call it *Stadium*, in the later *Jugerum:* A Pole is in ſome Places called a *Perch*, and differs in Length according to the Cuſtom of the Country. See *Perch.*

Furlong is ſometimes uſed for a Piece of Land of more or leſs Acres. *Omnibus Chriſti Fidel.*—— *Johannes Blount de Eyre Arm.*——*Dedit Thomæ Croft & Franſciſco Lovel Arm. unum* Forlongum *terræ arabilis continen. per æſtimationem quatuor Acras, &c.* Dat. 20 Jan. 3 Eliz.

Furnage, *Furnagium, Eſt tributum quod Domino* furni *a ſectatoribus penditur ob uſum* furni. For in many Places the Tenants are bound to bake their Bread in the Lord's Oven. *Eſt etiam lucrum ſeu emolumentum quod Piſtori conceditur in Piſtionis ſumptus & mercedem, & tunc poteſt Piſtor de quolibet quarterio frumenti lucrari* 4 *Den. & furfur. & duos panes ad* furnagium. Aſſiſa panis & cerviſiæ. 51 A. 3. See *Fornagium.*

Furnarius, A Baker who keeps an Oven.

Furniare, To bake, or put any Thing in the Oven: *Et inveniemus eidem conventui domos competentes & neceſſarias ad braſiandum &* Furniandum. Matt. Pariſ. Anno 1258.

Furr, *Furrura*, Cometh from the French *Fourrer*, i. *pelliculare*, to line with Skins. The Statute 24 H. 8. *cap.* 13. mentions divers, as Sable, which is a rich *Furr*, of Colour between black and brown, being the Skin of a Beaſt called a *Sable*, of Bigneſs between a *Polecat*, and an ordinary *Cat*, and ſhaped like a *Pole-cat*; bred in *Ruſſia*, but the moſt and beſt in *Tartary. Lucernes* is the Skin of a Beaſt ſo called, being near the Bigneſs of a Wolf, of Colour between red and brown, ſomething mailed like a Cat, and mingled with black Spots; bred in *Muſcovia* and *Ruſſia*, and is a very rich *Furr. Genet* is the Skin of a Beaſt ſo called, of Bigneſs between a Cat and a Weezle, mailed like a Cat, and of the Nature of a Cat; bred in *Spain*, whereof there be two Kinds, black and grey, and the black the more precious *Furr*, having black Spots upon it hardly to be ſeen. *Foynes* is of Faſhion like the Sable, bred in *France* for the moſt part; the Top of the *Fur* is black, and the Ground

Ground whitiſh. *Marterne* is a Beaſt very like the Sable, the Skin ſomething courſer; it liveth in all Countries that be not too cold, as *England*, *Ireland*, &c. the beſt be in *Ireland*. *Miniver* is nothing but the Bellies of Squirrels as ſome ſay; as others, it is a little Vermin, like unto a Weezle, milk-white, and brought from *Moſcovy*. *Fitch* is that which we otherwiſe call the *Pole-cat* here in *England*. *Shanks* are the Skin of the Shank or Leg of a Kind of Kid, which beareth the *Furr* that we call *Budge*. *Calaber* is a little Beaſt, about the Bigneſs of a Squirrel, of Colour gray, and bred eſpecially in *High Germany*.

Furrura, i. e. *Pellicium*, *viz.* *Longum Tabardum capucium cum* Furrura *ad ſupertunicam & capucium*. Monaſt. 2 Tom. pag. 646.

Furſt and Fondong, *i. e.* Time to adviſe, or to take Counſel, *viz.* *De quibuſcunq; implacitetur aliquis* Furſt & Fondong *habeat*. Leg. H. 1. cap. 46.

Fuſtic, A Kind of Wood, which Dyers uſe, and is brought from *Barbadoes*, *Jamaica*, &c. Mentioned 12 *Car.* 2. *cap.* 18.

Furta, A Right or Privilege derived from the King, as prime Lord to try, condemn and execute Thieves and Felons within ſuch Bounds or Diſtrict of an Honour, Manor, &c. —— *clamat habere liberam warrenam & furtam in terris ſuis* ——*quoad prædictas* furtas *dicit, quod Dominus H. Rex conceſſit ei Infangenthef & utfangenthef in omnibus terris ſuis*. Cartular. Abbat. Glaſton, MS. f. 86. b. yet I rather think, it ought to be read *Furca*, and means directly a Gallows.

Futhwit. See *Fithwit*.

Fyrderinga, An Offence or Treſpaſs, for which the Fine or Compenſation was reſerved to the King's Pleaſure, in the Laws of *H.* 1. *cap.* 10. *Spelman* would read it *Fynderinga*, and interprets it Treaſure-trove, but indeed the Word is truly *Fyrderinga* or *Firdering*, and ſignified properly a Going out to War, or a Military Expedition at the King's Command, which upon Refuſal or Neglect, was puniſhed with a *Fird-wite*, or Mulct at the King's Pleaſure. See *Fird-wite*.

Fyrthing, alias Fyrdung, A military Expedition.

Fyrthwite, The ſame with *Fridwit*; *viz.* a Mulct for deſerting the Army.

G.

Gabel, (*Gabella*, *Gablum*, *Gablagium*, Saxon *Gafol*, alias *Gafel*, *i. e.* *Vectigal*) hath the ſame Signification among our old Writers that *Gabelle* hath in *France*: For Mr. *Cambden* in his *Brit. pag.* 213. ſpeaking of *Wallingford*, hath theſe Words, *Continebat* 276 *Hagas*, *i. domos*, *reddentes novem libras de* Gablo. And *pag.* 228. of *Oxford* theſe, *Hæc urbs reddebat pro felonio & gablo, & aliis conſuetudinibus, per annum, Regi quidem viginti libras & ſex ſeſtarios mellis, comiti vero Algaro decem libras.* Gabella, as *Caſſaneus* defines it, *de conſ. Burgund.* pag. 119. *eſt* vectigal *quod ſolvitur pro bonis mobilibus*, id eſt, *pro iis quæ vehuntur*, diſtinguiſhing it from *tributum*, *quia tributum eſt proprie quod fiſco vel Principi ſolvatur pro rebus immobilibus*. The Lord *Coke*, in his *Comment upon Littleton*, ſaith thus, *lib.* 2. *cap.* 12. *fol.* 213. Here note, for the better Underſtanding of ancient Records, Statutes, Charters, &c. That *Gabel* or *Gavel*, *Gablum*, *Gabellum*, *Gabellettum*, *Galbellettum* and *Gavillettum*, do ſignify a Rent, Cuſtom, Duty or Service, yielded or done to the King or any other Lord. But that *Gablum* did as well extend to Money, as to other Things in Kind, is very plain by that Record in *Domeſday-Book* in *Windſor* in *Berkſhire*, where 'tis ſaid, *Rex* Willielmus *tenet* Windſores *in Dominico*, *Rex* Edw. *tenuit ibi* xx. *hidas*, &c. *Et adhuc ſunt in villa* C. *Hage* V. *minus*; *ex his ſunt* xxvi. *quietæ de* Gablo & *de aliis exeunt* xxx *ſolid.* And laſtly, In the ſame Book in *Somerſetſhire*, it is thus expreſſed in the Title of *Terra Regis*, (which obſerve) *Rex tenet cedre* (I ſuppoſe it is that *Cheddar*, ſo famous for its Cheeſe) *Rex* Edw. *tenuit*, *nunquam* Geldavit, *nec ſcitur quot Hidæ ſunt ibi*, &c. *in Dominico*, &c. xx *Bord cum* xvii. *Car.* & vii. Gablatores *redd.* xvii. Theſe ſeven *Gablatores* did pay ſeventeen Shillings, and from their paying of Rent were termed *Gablatores*: To me it ſeems probable, that this *Gablum* is to be diſtinguiſhed from a Rent or Payment made upon Contract or Bargain, and hath Relation to ſuch a one as was impoſed by the Power and Will of the Lord. And theſe different Sorts of Payment are paſſed in *Domeſday-Book* under ſeveral Expreſſions, according to the Nature of them; where ſometimes it is written, That one *Reddit* to ſuch a one ſo much, without any other Addition: And this, I believe, was Rent upon Agreement and Contract: Another *Reddit de conſuetudine* ſo much, and a third *Reddit de* Gablo, ſo much. When *Gabel* is mentioned without any Addition, then it uſually ſignifies the Tax on *Salt propter excellentiam*, but afterwards it was applied to all other Taxes, as *Gabelle de Vins*, &c.

Gaberdine, A coarſe Coat or Livery: From the Germ. *Gave*, becauſe 'tis uſually given to Servants every Year.

Gablatores, Thoſe that paid *Gabel*, Rent or Tribute. *Domeſday*.

Gablum, Gabulum, Gabula, The Head, or End, or extreme Part of a Houſe or Building. The *Gable-head*, the *Gable-end*, &c. ——*Quandam particulam terræ* ——*extra* gablum *molendini octo pedes in latitudine*. Paroch. Antiquit. pag. 201. ——*Quæ domus ſita eſt inter* gabulum *tenementi mei* & gabulum *tenementi Laurentii Kepeharme*. Ibid. pag. 286. See Mr. *Kennet's Gloſſary*.

Gabrantbicorum, *Portuoſus ſinus*, *Suerby* in *Yorkſhire*.

Gabriel's home. —— *Et* Rikhil *dit que le demandant en ceſt brief navera Judgment devant ceo que* Gabriel *uſt flay ſon* Corne. Plowden, fol. 358. a. That is, till the Day of Doom; never.

Gabroſentum, *Gateſhead* in the Biſhopriek of *Durham*.

Gabulus denariorum, Rent paid in Money. *Selden of Tithes*, *pag.* 321.

Gacuum, Lat. *Remum vel rutabulum vocant*. W. Thorn. pag. 2010. ſpeaking of the Monaſtery of St. *Auſtin* in *Canterbury*, ſays *de diſcis & plateis* 3300 *de* gachis.

Gafold-gyld Is a *Saxon* Word, ſignifying the Payment or rendring of Tribute or Cuſtom. Alſo it ſometimes denotes Uſury.

Gafol-land alias Gaful-land, *Terra cenſualis*, *Land* liable to Tribute or Tax. The *Saxon Dictionary* calls it *Rented Land*. See *Gavel*.

Gage, *Vadium*, Signifies a Pawn or Pledge, and is derived from the French *Gager*, that is, *pignori dare*. *Glanvil*, *lib.* 10. *cap.* 6. ſaith, *Quandoque res mobiles ponuntur in vadium*, *quandoque res immobiles*; and a little after that, thus, *Invadiatur res quandoq;*

ad

ad terminum, quandoque ſine termino; Item quandoque invadiatur res aliqua in mortuo vadio, quandoque non. And from that Chapter to the End of the twelfth in the ſame Book, he handleth this one Thing; though the Word *Gage* be retained as it is a Subſtantive, yet as it is a Verb, Uſe hath turned the *G.* into a *W.* ſo as it is oftner written *Wage*, as to *wage Deliverance*, that is, to give Security that a Thing ſhall be delivered: For if he that diſtrained, being ſued, have not delivered the Cattle that were diſtrained, then he ſhall not only avow the Diſtreſs, but *gager* Deliverance, that is, put in Sureties that he will deliver the Cattle diſtrained; *F. N. B. fol.* 74 & 67. yet in ſome Caſes he ſhall not be tied to his Security, as if the Cattle died in the Pound. *Kitchin, fol.* 145. Or if he claim a Propriety in the Cattle ſued for. *Terms de la Ley.* To wage Law, ſee *Law*; and alſo ſee *Mortgage.*

Gager Deliverance. See *Gage.*

Gaple. See *Gaol.*

Gager del Ley. See *Wage*, and *Wager of Law.*

Gagers. See *Gawgers.* This Word is mentioned in 12 *Car.* 2. *cap.* 4.

Gainage (Lat. *Wainagium*, i. e. *Actus plauſtri, vel plauſtri apparatus*, French *Gaignage*, *i. e.* the Gain or Crop of tilled or planted Grounds,) ſignifies the Draught-Oxen, Horſes, Wain, Plough, and Furniture, for carrying on the Work of Tillage by the baſer Sort of Sokemen and Villains; and ſometimes the Land it ſelf, or the Profit raiſed by cultivating it. *Bracton, lib.* 1. *cap.* 9. (ſpeaking of Lords and Servants) ſays, *Et in hoc legem habet contra Dominos, &c. ut ſi eos deſtruant, quod ſalvum non poſſit eis eſſe* Wainagium *ſuum.* And again, lib. 3. tract. 2. cap. 1. *Miles & liber homo non amerciabitur niſi ſecundum modum delicti, ſecundum quod delictum fuit magnum vel parvum & ſalvo contenemento ſuo: Mercator non niſi ſalva Mercandiſa ſua, & Villanus non niſi ſalvo* wainagio *ſuo.* For anciently, as it appears both by *Mag. Char. cap.* 14. and other Books, the Villain, when amerced, had his *Wainage* free, to the End the Plough might not ſtand ſtill: And the Law, for the ſame Reaſon, does ſtill allow a like Privilege to the Husbandman, that his Draught-Horſes and Oxen are not in many Caſes diſtrainable. This in *Weſtm.* 1. *cap.* 6. *Anno* 3 *E.* 1. is called *Gaynure*, and again, *cap.* 17. and in *Magna Charta, cap.* 14. it is called *Gainage.* In the *Old. Nat. Brev. fol.* 117. it is termed *Gainor*, in theſe Words, The Writ of *Aiel* was *Præcipe, &c. quod reddat unam bovatam terræ & unam bovatam mariſci.* And the Writ was abated for that the Oxgang is always of a Thing that lieth in *Gainor.* This Word was uſed only concerning arable Land, becauſe they that had it in Occupation, had nothing of it, but the Profit and Fruit raiſed by their own Pains towards their Suſtenance, nor any other Title, but at the Lord's Will. *Gainor*, again in the ſame Book, *fol.* 12. is uſed for a Soke-man, that hath ſuch Land in his Occupation. In the 32 Chapter of the *Grand Cuſtumary* of *Normandy*, Geigneurs be *Agricolæ, qui terras eleemoſynatas poſſident.* And *Britton* uſeth *Gainer* for to Plow or Till, *fol.* 42 & 65. *Weſt. Symbol. part* 2. *Tit.* Recoveries, *ſect.* 3. hath theſe Words, *A Præcipe quod reddat* lieth not in *Bovata Mariſci.* 13 *E.* 3. *fol.* 3. nor *de ſelione terræ*, becauſe of the Incertainty; for a *Selion* is a Piece of Land ſometimes containing an Acre, ſometimes half an Acre, ſometimes more, ſometimes leſs: it lieth not of a Garden, Cottage or Croft. 14 *Aſſ.* 13. 8 *H.* 6. 3. 22 *Ed.* 4. 13. *de Virgata terræ, &c.* For they be not in Demeſne, but in *Gain*, &c. Laſtly, In the Statute of Diſtreſſes in the Exchequer, *Anno* 15 *H.* 3. are theſe Words, *No Man of Religion, or other, ſhall be diſtrained by his Beaſts that* gain *the Land.* See *Wainage.*

Gainagium, or Wainagium, In the foregoing Account is indeed explained with too much Obſcurity, Error and Confuſion. For *Gaynage* or *Waynage* was properly no more than all the Plough-tackle, or Implements of Husbandry, without any reſpect to Gain or Profit; and the Equity of thoſe Proviſo's in *Magna Charta, &c.* lay in this Meaning of the Word.——— The Knight and Freeholder ſhould be amerced, *Salvo contenemento ſuo, i. e.* ſaving his Free-Lands and Tenements, which were not to be touched by arbitrary Fine. The Merchant or Trader was to be amerced *ſalva Merchandiſa ſua, i. e.* ſaving his Goods and Stock, which were neceſſary to carry on his Trade. And ſo likewiſe the Villain, the Country-Man, or Plough-Man ſhould be fined or amerced for his Offences, but ſtill *ſalvo gainagio ſuo, i. e.* ſaving all his Plough-geer, and neceſſary Implements of Husbandry, which if diſtrained or ſeiſed for ſuch Fines or Impoſitions would diſable him from carrying on his Employment of Agriculture; contrary to the fundamental Liberty of Subjects, which was ſo to be mulcted, or fined, or amerced, as ſhould puniſh them, but not break them, or undo them.

Gainery, (Fr. *Gaignerie*,) Tillage or Tilling, or the Profit raiſed of Tillage, or of the Beaſts uſed therein. I have ſeen an old Leaſe that demiſed *Omnes terras, pratos & paſturas in M. vulgo vocat. le* Gainerie, *&c.*

Gainure, *Weſt.* 1. *cap.* 6 & 17. Signifies the ſame with *gainery.*

Galea, A Galley, or ſwift Ship. *Mat. Paris* calls it *Liburna.* See *Hoveden, pag.* 688, 692.

Armo caput Galea, *pelagus percurro* Galea.

Galege, *Galice*, Seemeth to come of the Fr. *Galloches*, which ſignifieth a Kind of Shoe worn by the *Gauls* in dirty Weather; and at preſent the Signification differs not much among us. The Word is uſed *Anno* 4 *E.* 4. *cap.* 7. And 14 & 15 *H.* 8. *cap.* 9. where it is written plainly *Galoches.*

Galilea, *i. e.* A Gallery or Church-Porch. *Pryn. Lib. Angl.* 3 *Tom. pag.* 668. *Et inſuper inveniam unum Sacerdotem miſſalem, de prædicto Sancto, in Eccleſia memorata, in loco qui dicitur la* Galiley.

Galingal Is a medicinal Herb, the Nature and Diverſity whereof is expreſſed in *Gerard's Herbal, lib.* 3. *cap.* 22. The Root of this is mentioned for a Drug to be garbled. 1 *Jac.* 19.

Gallatum, *Whelp-Caſtle* in *Weſtmorland.*

Gallava, *Wallwick* in *Northumberland.*

Gallena, *Wallingford* in *Berkſhire.*

Galleti. Mr. *Somner* was of Opinion that they were *Viri Galeati*; but *Knighton* doth not mention the Word in that Senſe, *viz. In quorum prima acie fuit dominus* Galfridus, *&c. cum multis* Galletis, *i. e.* with many *Welchmen.*

Galligaskins,

Galliqaskins, *i. e.* Wide Hoſe or Breeches, ſo called, becauſe uſed by the *Gaſcoings*.

Gallihalpens Were a Kind of Coin which with *Suskins* and *Dotkins* were forbidden by the Statute of 3 *H.* 5. 1. They where a *Genoa* Coin, brought in by the *Genoeſe* Merchants, who trading hither in Gallies, lived commonly in a Lane near *Tower-Street*, and were called *Galley-Men*, landing their Goods at a Place in *Thames-Street* called *Galley-Key*, and trading with their own ſmall Silver Coin called *Galley Half-pence*: See *Stow's Survey* of *London*, 137. Sir *Francis Bacon* writes them *Gauls-Half-pence*; and, 'tis like, more truly.

Gallimawfry, *i. e.* Meal given to Galley Slaves.

Gallivolatium, a Cockſhoot or Cockglade. *Dedi unam Gravam cum* Gallivolatio. Charta Antiq. And elſewhere I find *volatium ſilveſtre* in the ſame Signification. *Item ſunt ibidem quatuor* volatia ſilveſtria, *quæ valent per annum 2s.* Inq. poſt. mortem Rog. Mortimer 22 *R.* 2.

Galloches. See *Galege*.

Galls Be a Kind of a hard and round Fruit like a Nut, growing upon the Tree, in *Latin* called *Galla*: The divers Kinds and Uſes whereof *Gerard* expreſſeth in his *Herbal*, *lib.* 3. *cap.* 34. This is a Drug to be garbled. 1 *Jac.* 19.

Gamberia, Gambria, *Fr. Jambiere.* Military Boots, or Defence for the Legs. ——— *Sed utrum habere poſſunt* Gambrias, *& galeas in capitibus, neque lege neque conſuetudine invenimus.* Nic. Upton *de Militari Officio*, l. 2. ca. 8.

Gambeſon, (*Gambezonum*) (*Pat.* 15 *Ed.* 1. *M.* 13.) a long Horſeman's Coat uſed in War, which covered the Legs, *Gamba.* —— *Ego* Johannes Bec *condo Teſtamentum* ——— *Jeo done malme a Dieu & mon Corps a enſevelir al Abbey de* Kirkſtede *en le Chapel* St. Maurice, *one mon meleur Chival, pris de xl. Marks, mon Haubert de Guerre, mes Chancons, mes Covertures de Fer, mon* Gambeyſon, *ma Targe, one tout mon karneys de Guerre, q. a mon Corps appent, &c.* Probatum 10 Cal. Martii, Anno 1303. Or rather a quilted Coat. *Cento, veſtimentum ex coactili Lana confectum*, to put under the Armour to make it ſit eaſy. *Fleta*, *lib.* 1. *c.* 24. *Par.* 12. See *perpunctum*.

Pectora tot coriis, tot Gambeſonibus *armant.*

Gang-Days, (*Dies Luſtrationis*) LL. Athelſtani Regis. See *Rogation-Week*. *Gang-Week*.

Gang-weel. See *Rogation-Week*.

Gaol, *Gaola*, Cometh of the French *Geol*, i. *Caveola*, a Cage for Birds, but is metaphorically uſed for a Priſon; thence cometh the Maſter of a Priſon to be called *Gaoler*, or *Jayler*.

Gara, A Meaſure or ſmall Quantity of Ground. ——— *Et in prato juxta Bereford ſex acras & duas* garas, *& in prato de Atreſort ſex acras & duas* garas, *&c.* Mon. Angl. tom. 3. Par. 2. pag. 29.

Garbe Cometh of the *French* Word *Garbe*, alias *Gerbe*, i. *faſcis*: It ſignifies with us a Bundle or Sheaf of Corn, *Charta de Foreſta*, cap. 7. And *Garba ſagittarum* is a Sheaf of Arrows, containing twenty-four, otherwiſe called *Shaffa ſagittarum*. *Skene*, *verbo*, *Garba*. *De omni annona decima* garba *Deo debita eſt.* LL. Edvardi Conf. cap. 8. It is ſometimes uſed for all manner of Corn and Grain that is uſually bound in Sheafs, as *Decimæ Garbarum*.

Sic demum decies metens ex æquore Garbas
Ternas accipiet qui vincla jugalia nectit.

Garba in ſome Places is taken for an Handful, *viz.* Garba *aceris ſit ex triginta peciis.* Fleta, lib. 2. c. 12.

Garbles, *Anno* 21 *Jac. cap.* 19. Signifies the Duſt, Soil, or Uncleanneſs that is ſevered from Spice, Drugs, *&c.*

Garbling of Wooſtaves, *Anno* 1 *R.* 3. *cap.* 11. Is the Sorting or Culling out the Good from the Bad. As *Garbling* of Spice is nothing but to purify it from the Droſs and Duſt that is mixed with it. It may ſeem to proceed from the Italian *Garbo*, that is Fineneſs, Neatneſs: Thence probably we ſay, when we ſee a Man in neat Habit. *He is in a handſome* Garb.

Garbler of Spices, 21 *Jac. cap.* 9. Is an Officer of great Antiquity in the City of *London*, who may enter into any Shop, Warehouſe, *&c.* to view and ſearch Drugs, *Spices*, *&c.* and to *garble* the ſame, and make them clean.

Garcinæ, The Word poſſibly is ſo printed by Miſtake for *Sarcinæ*, however it ſo ſignifies, the Baggage of an Army.——*Cum certam noſtri elegiſſent Stationem* ——— *cariagium quoque* (*quod* Garcinas *appellamus*) *a tergo locaſſent.* Walſingham *in R.* 2. *pag.* 242.

Garcio, (Fr. *Garcon*) a Boy, a Stripling, a Groom. *Pla. Cor.* 21 *Ed.* 1. *Garcio Stolæ*, Groom of the Stole to the King, as I find it in a Record, where *Stola* does not ſignify a Cloſe-Stool, as vulgarly ſurmiſed, but a Robe of Honour.

Garciones and Garcinæ, the Baggage of an Army, ſo called *a garcionibus ſive militum famulis*: Walſingham, pag. 242. For *Garciones* are thoſe Servants which follow the Camp. *Habeat* Garcionem *ſuo ſervitio ſemper attendentem.* Ingulphus, pa. 886.

Garco, Garcio, Any poor ſervile Lad, or Boy Servant. *Fr. Garçon.* But it ſeems of old *Galic*, or *Britiſh* Original: For in the preſent *Iriſh* (if there be any Truth in *Toland*) *Garſon* is an appellative for any menial Servant. See Mr. *Kennet's Gloſſary*.

Gard, (Fr. *Garde*, Lat. *Cuſtodia*,) ſignifies a Cuſtody or Care of Defence, but hath divers Applications; ſometimes to thoſe that attend upon the Safety of the Prince, called the *Life-guard*, and *Yeomen of the Guard*; ſometimes to ſuch as have the Education and Guardianſhip of Infants or Ideots; ſometimes to a Writ touching Wardſhip; of which there were three Sorts, one called *Droit de Gard*, the ſecond *Ejectment de Gard*, the third *Raviſhment de Gard. Fitz. Nat. Br. f.* 139, 140. See *Ward* and *Gardian*.

Gardebrache, (Fr. *Gardebrace*) a Vambrace or Armor for the Arm. King *H.* 5. by Charter dated 10 *Junii*, 7 *Regni*, granted to Sir *William Bourchier*, *Comitatum de Ewe in Normandy* — *Reddendo dicto Regi & haredibus ſuis apud Caſtrum Rothomagi unum* Gardebrache *ad Feſtum Sancti Georgii ſingulis Annis*, *&c.* Baronag. Angliæ. 2 Part.

Gardein de l'Eſtemary, (*An.* 17 *Car.* 1. *c.* 15.) Warden of the Stannaries.

Garderoba. In a private Houſe by *Garderoba*, was meant a Cloſet, or any ſmall Apartment for hanging up of Cloaths. ——*Richardus Abbas & conventus S. Edmundi* —— *conceſſerunt Johanni Frary totum meſſuagium* —— *videl. unam aulam cum duobus ſolariis adjunctis eidem aulæ cum duabus* garderobis *ad eadem ſolaria*, —*unam parvam cameram cum una* garderoba *ad eandem.* Cartular. S. Edmundi. *MS. f.* 294.

ad terminum, quandoque ſine termino; *Item quandoque invadiatur res aliqua in mortuo vadio, quandoque non.* And from that Chapter to the End of the twelfth in the ſame Book, he handleth this one Thing; though the Word *Gage* be retained as it is a Subſtantive, yet as it is a Verb, Uſe hath turned the *G.* into a *W.* ſo as it is oftner written *Wage*, as to *wage Deliverance*, that is, to give Security that a Thing ſhall be delivered: For if he that diſtrained, being ſued, have not delivered the Cattle that were diſtrained, then he ſhall not only avow the Diſtreſs, but *gager* Deliverance, that is, put in Sureties that he will deliver the Cattle diſtrained; *F. N. B. fol.* 74 & 67. yet in ſome Caſes he ſhall not be tied to his Security, as if the Cattle died in the Pound. *Kitchin, fol.* 145. Or if he claim a Propriety in the Cattle ſued for. *Terms de la Ley.* To wage Law, ſee *Law*; and alſo ſee *Mortgage.*

Gager Deliverance. See *Gage.*

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Gagers. See *Gawgers.* This Word is mentioned in 12 *Car.* 2. *cap.* 4.

Gainage (Lat. *Wainagium*, i. e. *Actus plauſtri, vel plauſtri apparatus*, French *Gaignage*, *i. e.* the Gain or Crop of tilled or planted Grounds,) ſignifies the Draught-Oxen, Horſes, Wain, Plough, and Furniture, for carrying on the Work of Tillage by the baſer Sort of Sokemen and Villains; and ſometimes the Land it ſelf, or the Profit raiſed by cultivating it. *Bracton, lib.* 1. *cap.* 9. (ſpeaking of Lords and Servants) ſays, *Et in hoc legem habet contra Dominos, &c. ut ſi eos deſtruant, quod ſalvum non poſſit eis eſſe* Wainagium *ſuum.* And again, lib. 3. tract. 2. cap. 1. *Miles & liber homo non amerciabitur niſi ſecundum modum delicti, ſecundum quod delictum fuit magnum vel parvum & ſalvo contenemento ſuo: Mercator non niſi ſalva Mercandiſa ſua, & Villanus non niſi ſalvo* wainagio *ſuo.* For anciently, as it appears both by *Mag. Char. cap.* 14. and other Books, the Villain, when amerced, had his *Wainage* free, to the End the Plough might not ſtand ſtill: And the Law, for the ſame Reaſon, does ſtill allow a like Privilege to the Husbandman, that his Draught-Horſes and Oxen are not in many Caſes diſtrainable. This in *Weſtm.* 1. *cap.* 6. *Anno* 3 *E.* 1. is called *Gaynure*, and again, *cap.* 17. and in *Magna Charta, cap.* 14. it is called *Gainage.* In the *Old. Nat. Brev. fol.* 117. it is termed *Gainor*, in theſe Words, The Writ of *Aiel* was *Præcipe, &c. quod reddat unam bovatam terræ & unam bovatam mariſci.* And the Writ was abated for that the Oxgang is always of a Thing that lieth in *Gainor.* This Word was uſed only concerning arable Land, becauſe they that had it in Occupation, had nothing of it, but the Profit and Fruit raiſed by their own Pains towards their Suſtenance, nor any other Title, but at the Lord's Will. *Gainor*, again in the ſame Book, *fol.* 12. is uſed for a Soke-man, that hath ſuch Land in his Occupation. In the 32 Chapter of the *Grand Cuſtumary* of *Normandy*, Geigneurs be *Agricolæ, qui terras eleemoſynatas poſſident.* And *Britton* uſeth *Gainer* for to Plow or Till, *fol.* 42 & 65. *Weſt. Symbol. part* 2. *Tit.* Recoveries, *ſect.* 3. hath theſe Words, *A Præcipe quod reddat* lieth not in *Bovata Mariſci.* 13 *E.* 3. *fol.* 3. nor *de ſelione terræ*, becauſe of the Incertainty; for a *Selion* is a Piece of Land ſometimes containing an Acre, ſometimes half an Acre, ſometimes more, ſometimes leſs: it lieth not of a Garden, Cottage or Croft. 14 *Aſſ.* 13. 8 *H.* 6. 3. 22 *Ed.* 4. 13. *de Virgata terræ, &c.* For they be not in Demeſne, but in *Gain*, &c. Laſtly, In the Statute of Diſtreſſes in the Exchequer, *Anno* 15 *H.* 3. are theſe Words, *No Man of Religion, or other, ſhall be diſtrained by his Beaſts that* gain *the Land.* See *Wainage.*

Gainagium, or **Wainagium**, In the foregoing Account is indeed explained with too much Obſcurity, Error and Confuſion. For *Gaynage* or *Waynage* was properly no more than all the Plough-tackle, or Implements of Husbandry, without any reſpect to Gain or Profit; and the Equity of thoſe Proviſo's in *Magna Charta, &c.* lay in this Meaning of the Word.——— The Knight and Freeholder ſhould be amerced, *Salvo contenemento ſuo, i. e.* ſaving his Free-Lands and Tenements, which were not to be touched by arbitrary Fine. The Merchant or Trader was to be amerced *ſalva Merchandiſa ſua, i. e.* ſaving his Goods and Stock, which were neceſſary to carry on his Trade. And ſo likewiſe the Villain, the Country-Man, or Plough-Man ſhould be fined or amerced for his Offences, but ſtill *ſalvo gainagio ſuo, i. e.* ſaving all his Plough-geer, and neceſſary Implements of Husbandry, which if diſtrained or ſeiſed for ſuch Fines or Impoſitions would diſable him from carrying on his Employment of Agriculture; contrary to the fundamental Liberty of Subjects, which was ſo to be mulcted, or fined, or amerced, as ſhould puniſh them, but not break them, or undo them.

Gainery, (Fr. *Gaignerie*,) Tillage or Tilling, or the Profit raiſed of Tillage, or of the Beaſts uſed therein. I have ſeen an old Leaſe that demiſed *Omnes terras, pratos & paſturas in M. vulgo vocat. le* Gainerie, *&c.*

Gainure, *Weſt.* 1. *cap.* 6 & 17. Signifies the ſame with *gainery.*

Galea, A Galley, or ſwift Ship. *Mat. Paris* calls it *Liburna.* See *Hoveden, pag.* 688, 692.

Armo caput Galea, *pelagus percurro* Galea.

Galege, *Galice*, Seemeth to come of the Fr. *Galloches*, which ſignifieth a Kind of Shoe worn by the *Gauls* in dirty Weather; and at preſent the Signification differs not much among us. The Word is uſed *Anno* 4 *E.* 4. *cap.* 7. And 14 & 15 *H.* 8. *cap.* 9. where it is written plainly *Galoches.*

Galilea, *i. e.* A Gallery or Church-Porch. *Pryn. Lib. Angl.* 3 *Tom. pag.* 668. *Et inſuper inveniam unum Sacerdotem miſſalem, de prædicto Sancto, in Eccleſia memorata, in loco qui dicitur la* Galiley.

Galingal Is a medicinal Herb, the Nature and Diverſity whereof is expreſſed in *Gerard's Herbal, lib.* 3. *cap.* 22. The Root of this is mentioned for a Drug to be garbled. 1 *Jac.* 19.

Gallatum, *Whelp-Caſtle* in *Weſtmorland.*

Gallava, *Wallwick* in *Northumberland.*

Gallena, *Wallingford* in *Berkſhire.*

Galleti. Mr. *Somner* was of Opinion that they were *Viri Galeati*; but *Knighton* doth not mention the Word in that Senſe, *viz. In quorum prima acie fuit dominus* Galfridus, *&c. cum multis* Galletis, *i. e.* with many *Welchmen.*

Galligaskins,

Galliqaskins, *i. e.* Wide Hoſe or Breeches, ſo called, becauſe uſed by the *Gaſcoings*.

Gallihalpens Were a Kind of Coin which with *Suskins* and *Dotkins* were forbidden by the Statute of 3 *H.* 5. 1. They where a *Genoa* Coin, brought in by the *Genoeſe* Merchants, who trading hither in Gallies, lived commonly in a Lane near *Tower-Street*, and were called *Galley-Men*, landing their Goods at a Place in *Thames-Street* called *Galley-Key*, and trading with their own ſmall Silver Coin called *Galley Half-pence*. See *Stow's Survey* of *London*, 137. Sir *Francis Bacon* writes them *Gauls-Half-pence*; and, 'tis like, more truly.

Gallimawfry, *i. e.* Meal given to Galley Slaves.

Gallivolatium, a Cockſhoot or Cockgladc. *Dedi unam Gravam cum* Gallivolatio. Charta Antiq. And elſewhere I find *volatium ſilveſtre* in the ſame Signification. *Item ſunt ibidem quatuor* volatia ſilveſtria, *quæ valent per annum 2s.* Inq. poſt. mortem Rog. Mortimer 22 *R.* 2.

Galloches. See *Galege*.

Galls Be a Kind of a hard and round Fruit like a Nut, growing upon the Tree, in *Latin* called *Galla*: The divers Kinds and Uſes whereof *Gerard* expreſſeth in his *Herbal*, *lib.* 3. *cap.* 34. This is a Drug to be garbled. 1 *Jac.* 19.

Gamberia, Gambæa, *Fr. Jambiere.* Military Boots, or Defence for the Legs. ——— *Sed utrum habere poſſunt* Gambrias, *& galeas in capitibus, neque lege neque conſuetudine invenimus.* Nic. Upton *de Militari Officio*, l. 2. ca. 8.

Gambezon, (*Gambezonum*) (*Pat.* 15 *Ed.* 1. *M.* 13.) a long Horſeman's Coat uſed in War, which covered the Legs, *Gamba.* —— *Ego* Johannes Becondo *Teſtamentum* ——— *Feo done malme a Dieu & mon Corps a enſevelir al Abbey de* Kirkſtede *en le Chapel* St. Maurice, *one mon meleur Chival, pris de xl. Marks, mon Haubert de Guerre, mes Chancons, mes Covertures de Fer, mon* Gambeyſon, *ma Targe, one tout mon karneys de Guerre, q. a mon Corps appent*, &c. Probatum 10 Cal. Martii, Anno 1303. Or rather a quilted Coat. *Cento, veſtimentum ex coactili Lana confectum*, to put under the Armour to make it ſit eaſy. *Fleta*, *lib.* 1. *c.* 24. *Par.* 12. See *perpunctum*.

Pectora tot coriis, tot Gambeſonibus *armant.*

Gang-Days, (*Dies Luſtrationis*) LL. Athelſtani Regis. See *Rogation-Week*. *Gang-Week*.

Gang-week. See *Rogation-Week*.

Gaol, *Gaola*, Cometh of the French *Geol*, i. *Caveola*, a Cage for Birds, but is metaphorically uſed for a Priſon; thence cometh the Maſter of a Priſon to be called *Gaoler*, or *Jayler*.

Gara, A Meaſure or ſmall Quantity of Ground. ——— *Et in prato juxta Bereford ſex acras & duas* garas, *& in prato de Atreſort ſex acras & duas* garas, &c. Mon. Angl. tom. 3. Par. 2. pag. 29.

Garbe Cometh of the *French* Word *Garbe*, alias *Gerbe*, i. *faſcis*: It ſignifies with us a Bundle or Sheaf of Corn, *Charta de Foreſta*, cap. 7. And *Garba ſagittarum* is a Sheaf of Arrows, containing twenty-four, otherwiſe called *Shaffa ſagittarum*. *Skene*, *verbo*, *Garba*. *De omni annona decima* garba *Deo debita eſt.* LL. Edvardi Conf. cap. 8. It is ſometimes uſed for all manner of Corn and Grain that is uſually bound in Sheafs, as *Decimæ Garbarum*.

Sic demum decies metens ex æquore Garbas
Ternas accipiet qui vincla jugalia nectit.

Garba in ſome Places is taken for an Handful, *viz.* Garba *aceris ſit ex triginta peciis.* Fleta, lib. 2. c. 12.

Garbles, *Anno* 21 *Jac. cap.* 19. Signifies the Duſt, Soil, or Uncleanneſs that is ſevered from Spice, Drugs, &c.

Garbling of Bowſtaves, *Anno* 1 *R.* 3. *cap.* 11. Is the Sorting or Culling out the Good from the Bad. As *Garbling* of Spice is nothing but to purify it from the Droſs and Duſt that is mixed with it. It may ſeem to proceed from the Italian *Garbo*, that is Fineneſs, Neatneſs: Thence probably we ſay, when we ſee a Man in neat Habit. *He is in a handſome* Garb.

Garbler of Spices, 21 *Jac. cap.* 9. Is an Officer of great Antiquity in the City of *London*, who may enter into any Shop, Warehouſe, &c. to view and ſearch Drugs, *Spices*, &c. and to *garble* the ſame, and make them clean.

Garcinæ, The Word poſſibly is ſo printed by Miſtake for *Sarcinæ*, however it ſo ſignifies, the Baggage of an Army.——*Cum certam noſtri elegiſſent Stationem* ——— *cariagium quoque* (*quod* Garcinas *appellamus*) *a tergo locaſſent.* Walſingham *in R.* 2. *pag.* 242.

Garcio, (Fr. *Garcon*) a Boy, a Stripling, a Groom. *Pla. Cor.* 21 *Ed.* 1. *Garcio Stolæ*, Groom of the Stole to the King, as I find it in a Record, where *Stola* does not ſignify a Cloſe-Stool, as vulgarly ſurmiſed, but a Robe of Honour.

Garciones and Garcinæ, the Baggage of an Army, ſo called *a garcionibus ſive militum famulis*: Walſingham, pag. 242. For *Garciones* are thoſe Servants which follow the Camp. *Habeat* Garcionem *ſuo ſervitio ſemper attendentem.* Ingulphus, pa. 886.

Garco, Garcio, Any poor ſervile Lad, or Boy Servant. *Fr. Garcon.* But it ſeems of old *Galic*, or *Britiſh* Original: For in the preſent *Iriſh* (if there be any Truth in *Toland*) *Garſon* is an appellative for any menial Servant. See Mr. *Kennet's Gloſſary*.

Gard, (Fr. *Garde*, Lat. *Cuſtodia*,) ſignifies a Cuſtody or Care of Defence, but hath divers Applications; ſometimes to thoſe that attend upon the Safety of the Prince, called the *Life-guard*, and *Yeomen of the Guard*; ſometimes to ſuch as have the Education and Guardianſhip of Infants or Ideots; ſometimes to a Writ touching Wardſhip; of which there were three Sorts, one called *Droit de Gard*, the ſecond *Ejectment de Gard*, the third *Raviſhment de Gard. Fitz. Nat. Br. f.* 139, 140. See *Ward* and *Gardian*.

Gardebrache, (Fr. *Gardebrace*) a Vambrace or Armor for the Arm. King *H.* 5. by Charter dated 10 *Junii*, 7 *Regni*, granted to Sir *William Bourchier*, *Comitatum de Ewe in Normandy* — *Reddendo dicto Regi & haredibus ſuis apud Caſtrum Rothomagi unum* Gardebrache *ad Feſtum Sancti Georgii ſingulis Annis*, &c. Baronag. Angliæ. 2 Part.

Garden de l'Eſtemary, (*An.* 17 *Car.* 1. *c.* 15.) Warden of the Stannaries.

Garderoba. In a private Houſe by *Garderoba*, was meant a Cloſet, or any ſmall Apartment for hanging up of Cloaths. —*Richardus Abbas & conventus S. Edmundi* —— *conceſſerunt Johanni Frary totum meſſuagium* —— *videl. unam aulam cum duobus ſolariis adjunctis eidem aulæ cum duabus* garderobis *ad eadem ſolaria*,—*unam parvam cameram cum una* garderoba *ad eandem.* Cartular. S. Edmundi. *MS. f.* 294.

Garderobe. See *Wardrobe*, and 2 *Inſt. fol.* 255.

Gardia, or Guardia, Is a Word uſed among the *Feudiſts* for the Latin *Cuſtodia*; & Guardianus, *ſeu* guardio, *dicitur ille, cui cuſtodia commiſſa eſt.* Lib. Feudor. 1. Tit. 2, & 11.

Gardiene or Gardian, *Cuſtos*, Cometh of the French *Gardien*, and yet the *German* Word *Warden* is nearer to it. It ſignifies generally him that hath the Charge or Cuſtody of any Perſon or Thing; but more notoriouſly him that hath the Education or Protection of ſuch People, as are not of ſufficient Diſcretion to guide themſelves and their own Affairs, as Children and Ideots, being indeed as largely extended as *Tutor* and *Curator*, among the *Civilians*; for whereas *Tutor* is he that hath the Government of a Youth, until he come to fourteen Years of Age; and *Curator* he that hath the Diſpoſition and Ordering of his Eſtate afterwards, until he attain to the Age of five and twenty Years, or he that hath the Charge of a frantick Perſon during his Lunacy; we uſe only *Gardian* for both theſe: And for the better Underſtanding of the Law in this Point, we are to obſerve, That a *Tutor* is either *Teſtamentarius*, or *a Prætore datus ex lege Atilia*; or laſtly, *Legitimus*. So we have three Sorts of *Gardians* in *England*; one ordained by the Father in his laſt Will, another appointed by the Judge, the Third caſt upon the Minor by the Law and Cuſtom of the Land: Touching the Firſt, a Man having Goods or Chattels, may appoint a *Gardian* to the Body or Perſon of his Child, by his laſt Will and Teſtament, until he come to the Age of fourteen Years, and ſo the Diſpoſing and Ordering his Eſtate ſo long as he thinks meet, which is commonly to one and twenty Years of Age. The ſame he may do of Lands not holden *in Capite*, or by Knights-Service. But the ancient Law in this Caſe is very much altered by the Statute of 13 *Car.* 2. *cap.* 24. which ordains, that, "Where a-"ny Perſon hath, or ſhall have any Child or "Children under the Age of twenty-one Years, "and not married at the Time of his Death, it "ſhall be lawful for the Father of ſuch Child or "Children, whether born at the Time of the De-"ceaſe of the Father, or at that Time *in ventre* "*ſa Mere*, or whether ſuch Father be within the "Age of twenty-one Years, or of full Age, by "Deed executed in his Life-Time, or by his laſt "Will and Teſtament in Writing, in the Pre-"ſence of two or more credible Witneſſes, to "diſpoſe of the Cuſtody and Tuition of ſuch Child "or Children, for and during the Time, he, or "they, ſhall remain under Age, or any leſſer "Time, to any Perſon or Perſons in Poſſeſſion or "Remainder, other than Popiſh Recuſants; "and ſuch Diſpoſition ſhall be good againſt all "Perſons claiming ſuch Child, as *Gardian in* "*Socage*, or otherwiſe, &c." But if the Father order no *Gardian* to his Child, the Ordinary may appoint one to manage his Goods and Chattels, till the Age of fourteen Years, at which Time he may chooſe him another *Gardian*, accordingly as by the Civil Law he may his *Curator*; for we all hold one Rule with the *Civilians* in this Caſe, and that is *Invito Curator non datur.* And for his Lands the next of Kin on that Side, by which the Land cometh not, ſhall be *Gardian*, and was heretofore called *Gardian in Socage.* See more of the old Law in this Caſe. 28 *E.* 1. *Stat.* 1. And *Forteſcue de laudibus legum* Ang. cap. 44. Staundf. Prærog. cap. 1. *Old Nat. Brev. fol.* 94. And *Skene de verb. ſignif. verbo Varda*, from whom you may learn great Affinity, and yet ſome Difference between the Law of *Scotland* and Ours in this Point.

Gardiane or Guardian of the Spiritualities, *Cuſtos Spiritualium vel Spiritualitatis*, Is he to whom the *Spiritual* Juriſdiction of any Dioceſe is committed, during the Vacancy of the See. 25 *H.* 8. 21. And the *Guardian* of the *Spiritualities* may either be *Guardian* in Law, or *Jure Magiſtratus*, as the Archbiſhop is of any Dioceſe within his Province; or *Guardian* by Delegation, as he whom the Archbiſhop or Vicar-General doth for the Time depute. 13 *Eliz. cap.* 12.

Gardiane or Gardian of the Peace, *Cuſtos pacis.* See *Conſervator of the Peace.*

Gardian, or rather Warden of the Cinque-Ports, *Gardianus quinque portuum*, Is a principal Magiſtrate that hath the Juriſdiction of thoſe Havens in the Eaſt Part of *England*, which are commonly called *The Cinque-Ports*, that is, the five *Ports* or Havens; who there hath all that Juriſdiction that the Lord High Admiral of *England* hath in Places not exempt. And the Reaſon why one Magiſtrate was aſſigned to ſo few Havens, was, becauſe they, in reſpect of their Situation, anciently required a more vigilant Care than other Havens, being nearer, and more obvious to Enemies, by the Narrowneſs of the Sea in thoſe Parts. *Cambden* in his *Brit. pag.* 238. ſaith, That the *Romans*, after they had ſettled themſelves and their Empire here in *England*, appointed a Magiſtrate or Governor over thoſe Eaſtern Parts, whom they called *Comitem litoris Saxonici per Britanniam*, having another that did bear the ſame Title on the oppoſite Part of the Sea, whoſe Office was to fortify and furniſh the Sea-Coaſts with Munition againſt the Incurſions and Robberies of the *Barbarians*; and farther ſignifieth his Opinion, That our *Warden of the Cinque-Ports* was firſt erected among us, in Imitation of that *Roman* Polity. See *Cinque-Ports.*

Gardeyne de L'eſtemary, *Anno* 17 *Car.* 1. *c.* 15. Warden of the *Stannaries.*

Gardeyne del Egliſe, In Engliſh *Church-wardens*, Who are Officers choſen in every Pariſh, to have the Care and Cuſtody of the Church Goods; and they may have an Action for the Goods of the Church, and divers other Things they do for the Benefit of the Church. And by 43 *El. c.* 2. They are to join with the Overſeers for making of Rates, and other Proviſions for the Poor of the Pariſh.

Gare, *Anno* 31 *E.* 3. *c.* 8. Is a coarſe Wool full of Hairs, ſuch as groweth about the Pizzle or Shanks of Sheep.

Gargarare, to ſpeak with a loud Voice: *Sed hæc verborum deliramenta Francis innata*, Gargarando *ſuperbia & jactantia reboavit.* Matt. Pariſ. Anno 1252.

Garianonum, *Yarmouth.*

Garienis fluvius, the River *Yare* in *Norfolk.*

Gariofilli, But more truly *Garyophylli*, Is that Sort of Spice we call *Cloves.* There is a Reſervation in a Charter of *Hugh de Wygeton*, of the Priory of *Leominſter*, *anno* 1283. in theſe Words, *Salvo hæredibus meis poſt deceſſum meum uno clavo* Gariofil. *in prædict. feſto ſancti* Mich. *pro omni ſervitio ſeculari.*

Garlanda, A Chaplet, a Coronet, a Garland. ——*Coronula aurea, quæ vulgariter* Garlanda *dicitur, redimitus.* Mat. Pariſ. *an.* 1247.

Garneſtura, Garniture, Furniture, Proviſion, Ammunition, and other Implements of War. —— *Significavit Soldanus Regi Francorum, ut ſedatis omnibus civitatem Damiatæ cum ſuſtentumentis, quæ* garneſturas *vulgares appellant, conſultius reſignaret.* Mat. Par. *ſub anno* 1250.

Garniamentum, Garniſh, Trimming, or any way Adorning Cloaths, or wearing Apparel. —— *Et cuilibet eorum per annum tres ulnas telæ* —— *& unum* Garniamentum *laneum quolibet anno.* Mon. Angl. *tom.* 2. *p.* 321.

Garniſh, As to *Garniſh* the Heir, that is, to warn the Heir. 27 *El. c.* 3.

Garniſhee Is taken for the Party in whoſe Hands Money is attached, within the Liberties of the City of *London*, ſo uſed in the Sheriff of *London*'s Court, becauſe he has had *Garniſhment* or Warning not to pay the Money, but to appear and anſwer to the Plaintiff-Creditor's Suit.

Garniſhment Cometh of the French *Garnir*, i. *inſtruere*, and in a legal Senſe intends a Warning given to one for his Appearance, for the better furniſhing of the Cauſe and Court. For Example, One is ſued for the Detinue of certain Evidences and Charters, and ſaith, That the Evidences were delivered to him not only by the Plaintiff, but another alſo, and therefore prayeth, that that other may be warned to plead with the Plaintiff, whether the Conditions be performed, yea or no; and in this Petition he is ſaid to pray *Garniſhment. New Book of Entries, fol.* 212. *col.* 3. and *Termes de la Ley, Cromp. Jur. fol.* 211. Which may be interpreted either warning of that other, or elſe furniſhing of the Court with Parties ſufficient throughly to determine the Cauſe, becauſe until he appear and join, the Defendant is, as it were, out of the Court, *F. N. B. fol.* 106. and the Court is not provided of all Parties to the Action. With this agrees *Britton, cap.* 28. where he ſaith, That Contracts, ſome be naked and *ſans Garnment*, and ſome furniſh'd, or (to uſe the literal Signification of the Word) apparelled, but a naked Contract, *Nudum Pactum*, giveth no Action. And therefore it is neceſſary or needful, that every Obligation be apparelled, which ought to be with theſe five Sorts of *Garnements*, &c. Howbeit it is generally uſed for a Warning in many Places, particularly in *Kitchin, fol.* 6. *Garniſher le Court*, is to warn the Court; and reaſonable *Garniſhment* in the ſame Place intends reaſonable Warning, and again, *fol.* 283. and many other Authors. And in the Stat. 27 *El. cap.* 2. upon a *Garniſhment*, or two *Nichills* returned, &c. But this may well be thought a *Metonymy* of the Effect, becauſe by the Warning of Parties, the Court is furniſhed and adorned.

Garniſture, (*Garniſtura*) a Furniſhing or Providing; *Garniſtura Caſtri de Mountgomer.* —— *Et in vadiis* 24 *hominum ibidem exiſten. pro ſalva cuſtodia dicti Caſtri tempore Inſurrectionis & Rebellionis Wallicorum cum* Oweno Glyndourdwy, *fingente ſe eſſe Principem Walliæ, ex parte diaboli, & cum diverſis Wallicis ſibi adhærentibus pro tempore, per ordinac. Hugonis Domini Burnel, Johannis Burley & Thomæ Yonge, Juſticiar. Pacis Comitat. Salopiæ,* &c. Computus Joh. Seys Receptor. Denar. Domini Hen. Percey & Sociorum, &c. Anno 1 H. 4. *Penes Edw. Harley Mil. Balnei.* The Word alſo occurs in *Pat.* 17 *E.* 3. *Pars* 1. *Dorſ.* 27.

Garrenty. See *Warranty.*

Garrenna, A Warren. *Johannes Epiſcopus Elyenſ. &c. Noveritis nos conceſſiſſe dilecto Servitori noſtro Thomæ de Fardham —— officium cuſtodiæ* garrennæ *noſtræ de* Brandon *in com.* Suff. —— *Prout alii cuſtodes* garrennæ *noſtræ, &c. dat.* 12. *Sept.* 1421. Cartular. Eccl. Elyen. *MS. penes Joh. Epiſc. Norwic. MS. f.* 50.

Garſummune, A Fine or Amerciament. See *Domeſday*; 'tis written in *Spelman Gloſſ. Gerſuma.*

Garter, *Garterium*, In French *Jartier*, i. *Periſcelis*; ſignifies with us, both in divers Statutes and otherwiſe, one eſpecial *Garter*, being the honourable Enſign of a great and noble Society of Knights, called *Knights of the Garter*, and this is κατ' ἐξοχὴν, as being of all others the moſt excellent. This high Order, as appeareth by Mr. *Cambden* 211. and many others, was firſt inſtituted by the famous King *Edward* the Third, in the 23d Year of his Reign, upon good Succeſs in a Skirmiſh, wherein the King's *Garter* (as it is ſaid) was uſed for a Token: 'Tis true, *Polydore Virg.* gives it a more ſlight Original, but his Grounds, by his own Confeſſion, grew from the vulgar Opinion; however take it as it is. *Edward* the Third, King of *England* (ſays he) after he had obtained many great Victories, the Kings of *France* and *Scotland* being both Priſoners in the *Tower* of *London* at one Time: King *Henry* of *Caſtile*, the Baſtard expulſed, and *Don Pedro* reſtored by the Prince of *Wales*, did, upon no weighty Occaſion, firſt erect this Order in 1350. *viz.* He dancing with the Queen, and other Ladies of the Court, took up a *Garter* that happened to fall from one of them, whereat ſome of the Lords ſmiling, the King ſaid, That ere it were long he would make that *Garter* to be of high Reputation, and ſhortly after inſtituted this Order of the *Blue Garter*, which every Companion of the Order is bound daily to wear, being richly decked with Gold and precious Stones, and having theſe Words fixt on it, HONI SOIT QUI MAL Y PENSE, which is commonly thus interpreted, *Evil to him* that *Evil thinketh*; or rather thus, *To him be it that Evil thinketh. Ferne* in his *Glory of Generoſity, fol.* 120. agrees with *Cambden*, and more particularly ſets down the Victories by which this Order was occaſioned. We will not (it being none of our Work) inſiſt upon the Cauſe of its Beginning, [but leave you for the Search thereof to an ingenious and moſt laborious Piece of Work concerning this Matter, given to the World by *Elias Aſhmole* Eſquire,] but how or whatever the Beginning was, the Order is inferior to none in the World, conſiſting of twenty-ſix Martial and Heroical Nobles, whereof the King of *England* is the Sovereign, and the reſt be either Nobles of the Realm, or Princes of other Countries, Friends and Allies of this Kingdom: The Honour being ſuch, as Emperors and Kings of other Nations have deſired, and thankfully accepted. He that will read more, let him converſe with Mr. *Cambden, Polydore, Ferne*, and the foreſaid Mr. *Aſhmole*'s Books. The Ceremonies of the Chapter proceeding to Election, of the Inveſtiture and Robes, Inſtallation, and Vow with all other Obſervations, ſee Mr. *Segar*'s *Honor Military and Civil*, lib. 2. cap. 9. f. 65. and the ſame Mr. *Aſhmole*. *Garter* alſo ſignifieth the

Principal King of Arms among our *Engliſh* Heralds, created by King *Henry* the Fifth, *Stow*, *pag.* 584. and mentioned 14 *Car.* 2. *cap.* 33. See *Herald.*

Garth Signifieth a little Backſide or Cloſe in the North of *England.* Alſo a Dam or Wear in a River, for the catching of Fiſh, vulgarly call'd a *Fiſhgarth.* It ſeems to be an ancient *Britiſh* Word, for *Gardd* in that Language ſignifies *Garden*, the two *d's* being liquified in the Pronunciation like *th.*

Garthman, 13 *R.* 2. *Stat.* 1. *cap.* 19. & 17 *R.* 2. *cap.* 9. It is ordained, *That no Fiſher in* Garthman *ſhall uſe any Nets or Engines to deſtroy the Fry of Fiſh, &c.* whereby it ſeems to intend one that owns an open Wear where Fiſh are caught: We may haply derive it from the *Scotch* Word *Gart*, that ſignifies compelled or enforced, becauſe the Fiſh are forced by the Wear to paſs in at a Loop, where they are caught.

Gavel Signifies Tribute, Toll, Cuſtom, yearly Rent, Payment or Revenue; of which we had of old ſeveral Kinds, *Gavel-Corn*, *Gavel-Malt*, *Oat-gavel*, *Gavel-Fodder*, as you may read in Mr. *Fab. Philips's* Book, ſtiled *The Miſtaken Recompence*, *f.* 39, 40. And *Taylor's Hiſtory of* Gavel-kind, *pag.* 26, 27, & 102.

Garwyte, the ſame with *Wardwyte. Mon.* 2. *Tom. pag.* 283. *Et ſint quieti de ſcira, de Hundredo, de Danegeldis, de blodwite &* Garwite, *&c.*

Gaſtaldus, A Governor of a County or City, whoſe Office was only temporary, and who had Juriſdiction over the Common People. *Epiſcopus aliique Regis &* Gaſtaldi *Angliam ſpoliabant.* Ordericus Vitalis. Lib. 10. pag. 773. and in another Place, *viz. lib.* 12. *pag.* 876. *Dolentes quod tanta rabies* Gaſtaldorum *ſuper incolas graſſaretur.*

Gate, this Syllable in the Names of Places, ſignifies a Way or Path, from the Sax. *Geat, i. e. Porta*, for which Reaſon it ſometimes ſignifies a *Gate.*

Gavelet Is a ſpecial and ancient Kind of *Ceſſavit* uſed in *Kent*, where the Cuſtom of *Gavel-kind* continueth, whereby the Tenant ſhall forfeit his Lands and Tenements to the Lord, of whom he holdeth, if he withdraw from him his due Rent and Services, which is due after this Manner. If any Tenant in *Gavel-kind* with-hold his Rents and Services, let the Lord ſeek by the Award of his Court from three Weeks to three Weeks, to find ſome Diſtreſs upon the Tenement until the fourth Court, always with Witneſſes; and if within that Time he can find no Diſtreſs on that Tenement, whereby he may have Juſtice of his Tenant, then at the fourth Court let it be awarded, that he take that Tenement into his Hand in the Name of a Diſtreſs, as if it were an Ox or a Cow; and let him keep it a Year and a Day in his Hand without manuring: In which Time, if the Tenant come and pay his Arrearages, and make him reaſonable Amends, let him re-enjoy it; but if he come not in that Time, then let the Lord go to the next County-Court, with his Witneſſes of his own Court, and pronounce there his Proceſs; and by the Award of his Court (after the Country-Court holden) he ſhall enter, and manure thoſe Lands and Tenements as his own; and if the Tenant come afterwards, and will re-have his Tenements, and hold them as he did before, let him make Agreement with the Lord according as it is anciently ſaid.

Neghesith selde & neghesith geld, & þ *l.* for his Were, er he become healder, *i.*

Has he not ſince any Thing given, nor any Thing paid,
Then let him pay 5*l.* for his *Were*, ere he become healder again.

Other Copies have the firſt Part thus written and expounded,

Nigondsith yeld & nigonsith geld.

Let him nine Times pay, and nine Times repay.

See hereof 10 *H.* 3. *Fitz. ceſſavit* 60. and the Statute of *Gavelet*, where it appeareth to be a Writ uſed in the *Huſtings* at *London.* And *Fleta* ſays, It is uſed in other Liberties, *lib.* 3. *c.* 55. In the *Collection of Statutes*, *London* 2. is Matter much tending to this Purpoſe, That by this Word *Gavelet*, the Lord ſhall have the Land for the ceaſing of the Tenant. Mr. *S.* in his 31 page *Of the Hiſtory of Gavel-kind*, hath theſe Words, *Et peſtea per quandam conſuetudinem quæ vocatur* Gavelate, *uſitatam in comitatu iſto*, (viz. Kanc.) *de terris & tenementis de* Gavel-kind, *pro redditibus & ſervitiis quæ aretro fuerint de eiſdem, per plures annos, devenerunt eædem terræ in manus cujuſdam Abbatis, &c.* Now this *Conſuetudo de Gavelet* (as he further adds) was not a Rent or Service, but betokeneth a Rent or Service with-held, denied, or detained, cauſing the Forfeiture of the Tenement to the Lord; with which agrees the Lord *Coke*, where he ſays, *Gaveletum* is as much as to ſay, to ceaſe, or to let to pay the Rent. *Brevi de* gaveleto *in* London, *eſt breve de Ceſſavit in Biennium, &c. pro redditu ibidem, quia tenementa fuerunt indiſtringibilia.* So that this Writ lay in *London* as well as *Kent.*

Gavelgeld, That pays Tribute or Toll. *In qua terra ſunt quinque Toſta, & ſolvunt* Gavelgeld *Ballivis Eborum.* Mon. Angl. Vol. 3.

Gavelhacd. *Grex ad cenſum.*

Gaveling-Men, Tenants who paid a reſerved Rent, beſides ſome cuſtomary Duties to be done by them.——*Merksbury reddit in gable ſex libras, in dono* xx. *ſol.* —— Gaveling-men *ſunt ibi* xii. *quorum quilibet debet warectare qualibet ſeptamana dimidiam acram,* —— *& prædicti* Gaveling-men *debent cotidie operari inter vincula S. Petri & Feſtum S. Michaelis, &c.* Cartular. Abbat. Glaſton. MS. f. 38. b.

Gavelherte, **Gavelerth**, The Duty or Work of ploughing ſo much Earth, or Ground, done by the cuſtomary Tenant for his Lord.—— *Item reſpondet de* 35 *acris de conſuetudine arandi*, Gavel-herte. —— *Item ſunt ibi quinque jugera, quodlibet arabit unam dimidiam acram ad ſemen frumenti, & ſeminabit, & herciabit,* —— *& vocatur iſtud opus* Gavelerth. Somner of Gavel-kind, p. 17.

Gavelbred, Corn, —— Rent, or Proviſion of Bread, reſerved from the Tenant to be paid in Kind. *Allocantur per annum pro* gavelbred *ad herdemet tres ſummæ & dimid.* —— *In pane ad* gavelbred, *de conſuetudine arantium & meterntium duas ſummas.* —— Somner of Gavel-kind, pag. 25.

Gavelgilda, Gavelgida, That yields Rent, or annual Profit. —— *Si autem in* gavelgida, *id eſt, in gablum reddente domo pugna fiat, vel in gebures* 30 *ſol. culpa judicetur.* Leges Inæ Regis Weſt-Saxon, *cap.* 6. —— *Idem Radulfus tenet unum toftum* —— *& non dat* Gavelgeld. Mon. Angl. *tom.* 3. *p.* 155.

Gavil-kind Is by Mr. *Lambard* in his *Expoſition of* Saxon *Words*, verbo *Terra de ſcripto*, compounded of three *Saxon* Words, *Gyfe*, *Eal*, *Cyn*; *Omnibus cognatione proximis data.* But *Verſtegan* in his *Reſtitution of decayed Intelligence*, c. 3. Calls it *Gavel-kind*, *quaſi*, give all Kind, that is, give to each Child his Part. But *Taylor* in his *Hiſtory of Gavel-kind*, would derive it from the Britiſh *Gafael*, a Hold or Tenure, and *Cennee* or *Cennedh*, *Generatio aut familia*, and ſo *Gavel-cenedh* might ſignify *Tenura generationis*, *pag.* 92, & 132. But whatever is the true Etymology, it ſignifies in Law a Cuſtom, whereby the Land of the Father is equally divided at his Death among all his Sons, or the Land of the Brother equally divided at his Death among all his Brethren, if he have no Iſſue of his own. *Kitchin*, *f.* 107.

Teutonicis priſcis patrios ſuccedit in agros
Maſcula ſtirps omnis, ne foret ulla potens.

This Cuſtom is ſtill in Force in divers Places of *England*, but eſpecially in *Kent*, *Urchenfield* in *Hereford*ſhire, and elſewhere, though with ſome Difference; but by the Statute of 35 *H.* 8. *c.* 26. All *Gavel-kind* Land in *Wales* are made deſcendible to the Heirs, according to the Courſe of the Common Law. *Cambden* in his *Britannia*, *pa.* 239. ſaith in expreſs Words, *Cantiani ea lege* Gulielmo Normanno *ſe dediderunt, ut patrias conſuetudines illæſas retinerent, illamque imprimis quam* Gavel-kind *nominant. Hæ terræ quæ eo nomine cenſentur, liberis maſculis ex æquis portionibus dividuntur, vel fœminis, ſi maſculi non fuerint*, adding withal worth the Noting, *viz. Hanc hæreditatem cum quintumdecimum annum attigerint, adeunt, & ſine Domini conſenſu, cuilibet vel dando vel vendendo, alienare licet. Hæc filii parentibus furti damnatis in id genus fundi*, &c. It appears by 18 *H.* 6. *c.* 3. that in thoſe Days there were not above thirty or forty Perſons in *Kent* that held by any other Tenure, but it was altered afterwards in much Land in that County, upon the Petition of ſeveral Gentlemen there, by a Statute made 31 *H.* 8. *c.* 3. See *Lambard's Peramulation* of *Kent*, *Somner's* Diſcourſe on this Subject, [*Taylor's* Hiſtory of *Gavel-kind.*] *Vide etiam Termes de Ley*, and *Gavelet.* In *Mon. Ang.* 2. *par. fol.* 640. you may read thus, —— *Dedi totam terram, quam vendidit mihi* Michael *de Turnham ſicut ſuum liberum* Gavilikind *& Stoikind, ad fundandam ibi Domum Religionis*, &c. —— In *Gavel-kind*, though the Father be hanged, the Son ſhall inherit; for their Cuſtom is, The Father to the Bough, the Son to the Plough. *Doctor* and *Student*, *ca.* 10. *Co.* on *Litt. lib.* 2. *ca.* 10. *ſect.* 165. and *Co.* 9 *Rep. Shelley's* Caſe. Our Anceſtors held their Lands by Writing, or without. Thoſe which were held by Writing were called *Bookland*, whoſe Owners were Men whom we now call Freeholders. That which was held without Writing was called *Folcland*, and the Owners were of ſervile Condition, and were poſſeſſed *ad voluntatem Domini.* But the Inheritance or Freehold did not in thoſe Days deſcend to the eldeſt Son, but to all alike; which in *Saxon* was called *Lande Scyftan*, and in *Kent*, To ſhift Land; from whence came the Cuſtom of *Gavel-kind.* And the Reaſon why it was retained in *Kent*, and no where elſe, is, becauſe the *Kentiſhmen* were not conquered by the *Normans*: For *Stigand*, the Archbiſhop of *Canterbury*, and one *Egelſine*, an Abbot, who commanded the Forces in that County, ordered every Man to march with Boughs in their Hands, which they did, and met the Conqueror at *Swinſcomb*, where the Archbiſhop and Abbot acquainted him with their Reſolution of ſtanding and fighting in Defence of the Laws of their Country; and he imagining himſelf to be encompaſſed in a Wood, granted that they and their Poſterity ſhould enjoy their Rights, Liberties, and Laws; ſome of which, as particularly this of *Gavelkind*, continues to this very Day.

Gavelman Is a Tenant who is liable to Tribute. *Villani de Terring qui vocantur* Gavelmanni. *Somner*, *Gavelkind*, *p.* 23.

Gavelmed, The Duty or Work of mowing of Graſs, or cutting Meadow-Land, required by the Lord from his cuſtomary Tenant. ——— *Conſuetudo falcandi quæ vocatur* Gavelmed —— Somner of Gavelkind. Append. ——— *Et pro una ſeptimana dum falcatur ſtipula quæ vocatur* Gavelmed. *ib.*

Gaveloces, Javelins, Darts, the Syllable *Ga* being the ſame with *Ja*, and ſo derived from *Faculum. Friſiones igitur* —— *ipſum Willielmum tam jaculis, quæ vulgariter* Gaveloces *appellant, quorum maxime notitiam habent & uſum* —— *hoſtiliter inſequuntur.* Mat. Par. *ſub anno* 1256.

Gavelrep, Bedreap, or Duty of reaping at the Bid or command of the Lord. ——*De conſuetudine metendi* 40 *acras & dimidiam de* Gavelryp *in Autumno* 40. *ſol.* 6. *denar.* Somner of Gavelkind, *p.* 19, 21.

Gavnarium, Wainage, Plough-tackle, or Implements of Husbandry: The ſame with *Gainagium* and *Wainagium.* —— *Ita quod nihil ex nunc remanet in manu dicti Prioris in ſuſtentationem ſui, niſi tantum* gaymaria (*legè* gaynaria) *manerii prædicti cum proficuis prænominatis.* Mon. Angl. *Tom.* 1. *p.* 603.

Gavelrip, ſee *Gavelrep.*

Gavelſetter, (Sax.) *Sextarius vectigalis*; (*Cerviſiæ ſcilicet ſextarius Manerii vel prædii Domino ab uſufructuariis cerviſiam coquentibus, cenſus vel vectigalis nomine, pendendus,*) is a certain Meaſure of Rent-Ale. Among the Articles to be charged on the Stewards and Bailiffs of the Church of *Canterbury's* Manors, this of old was one, *De* Gavelſetter *cujuſlibet bracini braciati infra libertatem Maneriorum* viz. *unam Lagenam & dimidiam Cerviſiæ.* We may find it elſewhere under the Name of *Tolceſter* thus, *De Tolceſter cerviſiæ, hoc eſt, de quolibet bracino per unum annum lagenam de cerviſia*, and is without diſpute the ſame. In lieu of which the Abbot of *Abingdon*, of Cuſtom, received that Penny mentioned by *Selden* in his *Diſſertation* annexed to *Fleta*, *cap.* 8. *num.* 3. and there (I believe) miſprinted *Colcheſter Penny* for *Tolcheſter Penny.* Nor differs it (I think) from what in the *Gloſſary*, at the End of *H.* 1. *Laws*, is called *Oak gavel. Sax. Dict.* and ſee *Tolſeſter.*

Gavelſwan. *Porcarius ad Cenſum.*

Gavel-week (*Sax.*) was either *Manuopera* by the Perſon of the Tenant, or *Carropera* by his Carts or Carriages. Mr. *Phil.* of *Purveyance.*

Gaugetum, A Gauge or Gauging, done by the *Gaugeator* or *Gager.* *Litera clauſa* 55 *H.* 3. *de*

Doli-

Doliorum mensura & gaugeto *Mercatorum* Burdegal. & *de* gaugeatoris *feodo*, & *denarium pro dolio, scil. obolum ab emptore*, & *obolum a venditore. Mandetur per breve de Canc. quod omnia ligna de doliis vinorum fiant de cætero de recto* Gaugeto *Anglicano. Rot. Parl.* 35 *Ed.* 1. of the true English *Gauge.*

Gaugeor or **Gager**, *Gaugeator*, Comes of the French *Gauchir*, i. *in gyrum torquere*; and signifies with us an Officer of the King's, appointed to examine all Tuns, Pipes, Hogsheads, Barrels, and Tertia's of Wine, Beer, Ale, Oil, Honey, Butter, and give them a Mark of Allowance, before they be sold in any Place. And because this Mark is a Circle, made with an Iron Instrument for that Purpose; it seems that from thence he taketh his Name. Of this Office you may find many Statutes, the first whereof is in 27 *E.* 3. commonly called the Statute of *Provision* or *Purveyors*, *cap.* 8. The others are 4 *R.* 2. *cap.* 1. 18 *H.* 6. 17. 23 *H.* 6. 16. 1 *R.* 3. 13. 28 *H.* 8. 14. And lastly, 12 *Car.* 2. *cap.* 4.

Gaugepenny May be thought to be the *Gaugers Fee*, by *Anno* 23 *H.* 6. *cap.* 16.

Gaphound, a Hound which never caught a Hare.

Gaymaria, the same with *Wainagium. Ita quod nihil ex nunc remanet in manu ejus, nisi tantum* Gaymaria *Manerii prædicti.* Mon. Angl. Vol. 1. f. 603. b. *Quære.*

Geaspecia. In a Charter of the Privileges of *New-Castle* upon *Tyne*, renewed *Anno* 30 *El.* we read, *viz. Sturgiones, Balænas, Cetas, Porpecias*, (i. e. Porpoises,) *Delphinos, Riggos*, Geaspecias, *i. e.* Grampois.

Geburscir, **Geburscipa**, Neighbourhood, or adjoining District.——*vel jus jurandum inveniat, si possit, in quo repetenti satisfit; si non possit, nominentur ei sex homines de eadem* geburscipa, *in qua ille residens est.* Leges Edw. Confes. *c.* 1. *de Perjuriis, p.* 2.

Geburus, A Country Neighbour, or Inhabitant of the same *Geburescip*, or Village. Sax. *Gebure*, a Carl, Ploughman, or Farmer.

Geld, *Geldum*, Among the *Saxons* signified, *pecunia vel tributum*, also the Compensation for a Crime: Hence, in our ancient Laws *Wergeld* was used for the Value of a Man slain, and *Orsgeld* of a Beast. *Et sint quieti de* Geldis, & *Danegeldis*, & *Horngeldis* & *Forgeldis*, & *de Blodwita*, & *Fitwita*, & *Flitwita*, & *Leirwita* & *Heinwita*, & *Fremenefuda*, & *Werd-penny*, & *Aver-penny*, & *Toling-penny.* Charta Rich. 2. Priorat. *de* Hertland *in* Devon. *Pat.* 5 *E.* 4. *part.* 3. *m.* 13. See *Gilde.*

Geldable. See *Gildable.*

Gemote Is a *Saxon* Word signifying *Conventus*, an Assembly: 'Tis used in the Laws of *Edward the Confessor*, *cap.* 35. for a Court, *viz. Omnis homo pacem habeat eundo ad* gemotum & *rediens de* gemoto, *nisi probatus fur fuerit.* See *Mote.*

Geneath, (Sax.) *Rectius, Geneath Villanus, Villicus, Firmarius.* L. Inæ. MS. c. 19. *Regis* Geneath, i. e. *Villanus Regius.*

Genectum.——*Percipiant decimas agnorum, lanæ,——lini, canabi*, genecti, *cirporum piscationum, pasturæ*, ——*Charta Joh. Archiepiscopi Cant. apud* Will. Thorn. *p.* 2112. Mr. *Somner* takes it for *genista*, Broom.

General Issue. See *Issue.*

Generatio, When a Mother-Abbey or old Religious House had spread it self into several Colonies or depending Cells, that Issue or Off-spring, as it were, of the Mother-Monastery was called *Generatio, quasi proles & soboles Matricis Domus. Quæstio prioratus inter Abbatem de Waverle & Abbatem* Furnesii *terminatur hoc modo, videlicet quod Abbas de* Furnesio *habeat prioratum in tota* generatione Eleemosynæ *in Anglia*, & *in* generatione Saviniaci *in Anglia tantum. Abbas autem* Waverle *habeat prioratum ubique tam in congregationibus Abbatum quæ fuerint per Angliam, quam alias per ordinem universum.* Annual. Waverl. 1232.

Generale. The single Commons, or ordinary Provision of the Religious were called *Generale*, as their general Allowance, distinguished from their *Pietantiæ* or Pittances, which upon extraordinary Occasions were added as Over-Commons. Among the Observance of the *Cluniac* Monks, they are thus described, ——Generale *appellamus quod singulis in singulis datur scutellis: Pietantia quod in una scutella duobus.* And among the Customs of the Abbey of *Glastonbury*, we have this Account.—— *In privatis diebus, videlicet, dominica die, die Martis, die Jovis*, & *Sabbato, tria* generalia *ad refectionem habuerant Fratres*, & *duas pietantias, cæteris vero diebus, scilicet, feria secunda, feria quarta*, & *sexta, duo* generalia & *tres pietantias.* Chartular. Glaston. *MS. f.* 10.

Generosa Seems of late to be a good Addition; for if a Gentlewoman be named *Spinster* in any Original Writ, Appeal or Indictment, she may abate, and quash the same. 2 *Inst. fol.* 668.

Genesta, Broom. See *Jaun. Percipiant decimas agnorum, lanæ, lini, canapi*, Genecti. *Thorn, pag.* 2112.

Genets alias **Jenets.** See *Furr.*

Gentleman, *Generosus*, Is an irregular Compound of two Languages, the one from the French *Gentil*, that is, *Honestus, vel honesto loco natus*; the other from the Saxon *Mon*, as if you say, a Man well born. The *Italian* followeth the very Word, calling those *Gentilhuomini*, whom we call *Gentlemen.* The *Spaniard* keepeth the Meaning, calling him *Hidalgo* or *Hijo d'algo*, that is, the Son of some Man, or of a Man of Reckoning: The *French* also call him *Gentilhomme.* So that *Gentlemen* be those, whom their Blood and Race doth make noble and known: In *Greek* they are Εὐγενεῖς, in *Latin Nobiles. Smith de Rep. Ang. lib.* 1. *cap.* 10. Under this Name are comprised all above Yeomen, so that Noblemen be truly called *Gentlemen*; but by the Course and Custom of *England*, Nobility is either *Major* or *Minor*; the greater contains all the Degrees from Knights upward, the Lesser, all from Barons downwards. *Smith ubi supra, cap.* 21. The Reason of the Name may grow from this, that they observe *gentilitatem suam*, that is, the Race and Propagation of their Blood, by giving of Arms, which the common Sort neither doth, nor may do; for by the Coat that a *Gentleman* giveth, he is known to be, or not to be descended from those of his Name, that lived many Hundred Years since. *Gentiles homines*, see in *Tiraquel de Nobilitate*, cap. 2. pag. 53. *Cicero* in his *Topicks* of this Matter, speaks thus, *Gentiles sunt qui inter se eodem sunt nomine ab ingenuis oriundi, quorum majorum nemo servitutem servivit, qui capite non sunt diminuti.* And in the first Book of his *Tusc. Quæst.* he calleth *Tullus Hostilius*, one of the Kings of *Rome*, *Gentilem suum.* These Words, *gentilis homo*, for a *Gentleman*, was adjudged a good Addition. *Hill.* 27 *E.* 3. The Addition of Knight is ancient, but of Esquire or *Gentleman* rare before the First of *H.* 5. *c.* 5. See 2. *par. Inst. f.* 595, & 667.

Where

Where we read *John Kingſton* made a *Gentleman* by King *Richard* II. *Pat.* 13 *R.* 2. *Part* 1. *M.* 13. *intus.*

Genu, *i. e.* Generation. *Succeſſit Ethelbaldo Offa quinto* Genu. Malmsb. lib. 1. c. 4.

Genumta, *North Wales.*

George Noble, A Piece of Gold current at ſix Shillings eight Pence in 1 H. 8. when by Indenture of the *Mint* one Pound-weight of Gold was to be coined into eighty-one *George Nobles. Vid. Lownde's* Eſſay upon Coins, *pag.* 41.

Gerneat, a Clown, or Villain. *Gernobadatus.* See *Grani.*

Gerſuma, (Sax. *Gerſuma*, i. e. *Sumptus, præmium.*) In ancient Charters it is uſed for an Income; as, *Sciatis me A. pro tot libris, quas B. mihi dedit in* Gerſumam, *dediſſe, conceſſiſſe, &c.* Sometimes for a *Fine* for a Fault; as, Gerſumam *capere de Nativa veſtra impregnata ſine licentia veſtra, quod dicitur* Childwit. In *Matth. Pariſ.* it is written *Gerſoma. Datis Abbati tribus marcis auri in* Gerſoma, i. e. *Pro Fine.* And in *Scotland Greſſume.* Sometimes 'tis taken for any Exaction or Demand; as, *Abſque retinentia cujuſlibet conſuetudinis ſive ſervitii,* is, *ſive alicujus* Gerſumæ, *aut ſæcularis exactionis.* Mon. Ang. 2 *Tom. pag.* 973.

Gerſumarius, Finable, or liable to be mulcted, fined or amerced at Diſcretion of the Lord. —— *In Berton parva——ſunt tres Cotſeles quorum quilibet operabitur ſemel in hebdomada & metet in Autumno unam acram de blado hiemali vel tres rodas ordei. Dominus habebit tres hederepes, ſi voluerit, ad cibum ſuum. Omnes ſunt* Gerſumimani *ad voluntatem Domini.* Cartular. S. Edm. *MS. f.* 103.

Geſeniund, Aſſembled.

Geſt, (French *Giſt.*) A Lodging, or Stage of Reſt in a Journey or Progreſs. As in the Progreſs of *E.* 6. *A. D.* 1552. when the *Geſts*, (*i. e.* the Stages of his Majeſty's Progreſs) were altered, Archbiſhop *Cranmer* entreated *Cecil* to ſend him the new reſolved—upon *Geſts*, that he might from Time to Time know where his Majeſty was. *Strype* Memor. Archbiſhop *Cranmer, p.* 283.

Geſta Geſtum, Geſt, Yeaſt, Barm, for working of Beer, or Ale. —— *Ita quod Piſtores poterunt ſic vendere, & in quolibet quartario lucrari tres denarios, exceptis brennio & duobus panibus ad furnarium —— &. in ſale obolum, & in* geſta *obolum, & in candela quadrantem.* Mat. Par. *ſub anno* 1202.

Geſtu ꝛ fama Is a Writ now out of Uſe. *Lamb. Eirēn. lib.* 4. *c.* 14. *p.* 532.

Gethbrech (*Rectius Grithbreche.*) *Si pacem quis fregerit ante mediocres Foreſtæ, quod dicunt* Gethbrech, *emendet Regi decem ſolidis.* Conſtitut. Canuti de Foreſta, c. 18. See *Grithbreche.*

Gewineda Is a *Saxon* Word, and it ſignifies the Publick Convention of the People to decide a Cauſe. *Et pax, quam Aldermannus Regis in quinque burgorum* Gewineda *dabit, emendatur* 12 *libris.* Leg. Ethelred. c. 1. apud Brompton.

Gewitneſſa, Giving Evidence. *Leg. Ethelred, c.* 2. *apud Brompton.*

Gifta aquæ. *Molendinum & vivarium cum* Gifta aquæ. *Mon. Angl.* 3. *Par.* The Stream of Water, *ut videtur.*

Gigmills Were uſed for the Perching and Burling of Woollen Cloth, prohibited *Anno* 5 & 6 *Ed.* 6. *cap.* 22. They were a Kind of *Fulling-Mills.*

Gignaria, a School.

Gild, in *Saxon*, ſignifies a Fraternity or Company, and comes from the *Saxon* Word *Gildan*, which is To pay; becauſe every one was *gildare, i. e.* to pay ſomething towards the Charge and Support of the Company. And from thence come *Guild-halls*, that is, the Halls of the Society or Fraternity, where they meet and make Orders and Laws among themſelves. The Original was thus, *viz.* It was a Law amongſt the *Saxons* that every Freeman of fourteen Years old ſhould find Sureties to keep the Peace, or be committed; whereupon certain Neighbours entered into an Aſſociation, and became bound for each other, to produce him who committed an Offence, or to make Satisfaction to the injured Party; which that they might the better do, they raiſed a Sum of Money among themſelves, which they put into a common Stock; and when one of their Pledges had committed an Offence, and was fled, then the other nine made Satisfaction out of this Stock by the Payment of Money, according to the Quality of the Offence. And becauſe this Aſſociation conſiſted of ten Familes it was called a *Decennary*: And from hence came our Fraternities. But as to the direct Time, when theſe *Gilds* had their Origine in *England*, there is nothing of Certainty to be found, ſince they were in Uſe long before any formal Licences were granted to them for ſuch Meetings. *Edward* the Third, in the Fourteenth of his Reign, granted Licence to the Men of *Coventry* to erect a *Merchant's Gild*, and a Fraternity of Brethren and Siſters, with a Maſter or Warden, and that they might make Chantries, beſtow Alms, do other Works of Piety, and conſtitute Ordinances touching the ſame, *&c.* So *Henry* the Fourth, in the fourth Year of his Reign, granted Licence to found a *Gild* of the Holy Croſs at *Stratford* upon *Avon.* See *Antiquities of Warwickſhire, fol.* 119, & 522. *Gild* or *Geld* (according to *Cambden*) ſignifies alſo a Tribute or Tax, and the Statutes of 27 *Ed.* 3. *Stat.* 2. *cap.* 13. and 11 *H.* 7. *cap.* 9. uſed *Gildable* in the ſame Senſe with *Taxable. Gild* (according to *Crompton* in his *Juriſdiction, fol.* 191.) ſignifies an Amercement, as *Foot-geld*; and *fol.* 197. he interprets it to be a Preſtation within the Foreſt in theſe Words, *To be quit of all manner of* Gilds *is to be diſcharged of all manner of Preſtations, to be made for gathering Sheafs of Corn, Lamb, and Wool, to the Uſe of Foreſters.* The Word is alſo mentioned in the Statute 15 *Hen.* 6. *cap.* 6. and 15 *Car.* 2. *cap.* 7.

Gild is alſo a Compenſation or Mulct for a Fault, *Quicquid in amore in alterum furatum habent in duos* Geldos *componere faciat.* From hence *Weregeld* is the Price of a Man, *Orfgeld* the Price of Cattel, *Angild* the ſingle Value of a Thing, *Twigild* the double Value. There are likewiſe many Words which End with *geld*, and which ſhews the ſeveral Kinds of Payments, as *Danegeld, Vadegeld Senegeld, Hornegeld, Sotgeld, Penigeld*, and many more.

Gild or Guild-Rents, are Rents payable to the Crown by any *Gild* or Fraternity, or ſuch Rents as formerly belonged to religious *Gilds*, and came to the Crown at the general Diſſolution, ordered for Sale by the Stat. 22 *Car.* 2. *c.* 6.

Gildale (from the Sax. *Gild*, i. e. *Solutio*, and æle, *ale*,) a Contribution, where every one paid his Share. See *Sothale.*

Gildable, or Geldable, (*Geldabilis*,) Tributary, that is, liable to pay Tax or Tribute. *Cambden*, dividing *Suffolk* into three Parts, calls the firſt *Gildable*, becauſe liable to pay Tax, from which the

the other two Parts were exempt, becauſe *Eccleſiæ Donatæ.* It is mentioned *An.* 27 *Hen.* 8. *c.* 26. But I find *Gildable* expounded in an old MS. to be that Land or Lordſhip which is *Sub diſtrictione Curiæ Vicecom.* See 2 *Par. Inſt. fol.* 701. *Inquiſitio capta apud Atherſton, &c.* 5 *H.* 5. *per Sacram. Will. Peirs & al. qui dicunt quod Johannes Cheſterſhire, qui tenet unum tenementum & duo crofta cum pertin. in le* Geldable *de Johanne Lile per quod ſervitium ignorant, erexit crucem S. Johannis Hieroſol. ſuper Domum ſuam, ad habendum privilegium & libertat. Templar. de Balſhade, eo quod teneret præd. tenementum ſub Cruce in præjudicium Dom. Regis & contra formam Statuti inde editi, &c.* MS. penes Gul. Dugdale Ar. *Jur. dicunt quod Prior de Sempringham tenet tres Carucatas terræ in S. & non ſunt* Geldabiles. Ex Rot. Hundr. in Turr. Lond. de Anno 3 Ed. 1. Line.

Gildæ adulterinæ. *Rot. Pipæ* 3. *Johannis.* Perhaps uſed for adulterate Money. *Qu.*

Gilhalda Teutonicorum was uſed for the Fraternity of Eaſterling Merchants in *London*, called the *Still-yard. An.* 22 *H.* 8. *c.* 8.

Gild-Hall, The chief *Hall* of the City of *London*, Gildarum *nomine continentur non ſolum minores Fraternitates & ſodalitia, ſed ipſæ etiam Civitatum communitates*, ſays the Learned *Spelman.* See *Gild.*

Gild-Merchant, (*Gilda Mercatoria*) was a certain Privilege or Liberty granted to *Merchants*, whereby they were enabled (among other Things) to hold certain Pleas of Land within their own Precincts; as King *John* granted *Gildham Mercatoriam* to the Burgeſſes of *Nottingham.*

Giltwite. See *Gyltwite.*

Ginger, *Zinziber*, Is a Spice well known, being the Root of a Plant, that groweth in hot Countries, as *Spain*, *Barbary*, *&c.* The true Form whereof you have expreſſed in *Gerard's Herbal, lib.* 1. *c.* 38. This is a Spice whoſe Root is to be garbled. 1 *Jac.* 19.

Girnelled, quaſi **Wirnelled,** *i. e.* Denied. From the Sax. *Wirnan, Denegare.*

Giſarms, rectius **Guiſarmes,** (*An.* 13 *Ed.* 1. *Stat.* 3. *cap.* 6.) an Halbert. From the Lat. *Bis Arma*, becauſe it wounds on both Sides. A Kind of Hand-ax, according to *Skene. Fleta* miſwrites it *Siſarms, lib.* 1. *c.* 14. *Eſt armorum genus longo manubrio & porrecta cuſpide.* Spel.

Gladiolum, Sedge. *Mariſcus profert* Gladiolum, *ceſpites & alia ignis pabula.* Mat. Pariſ. An. 1206.

Gladius (*Jus Gladii*) is mentioned in our *Latin* Authors, and in the *Norman* Laws, and it ſignifies a Supreme Juriſdiction. *Cambden*, in *Britania*, writes, *Comitatus Flint. pertinet ad* Gladium *Ceſtriæ.* And in *Selden, Tit. of Honour, p.* 640. *Curiam ſuam liberam de omnibus placitis, &c. Exceptis placitis ad* Gladium *ejus pertinentibus.* And 'tis probable from hence that at the Creation of an Earl, he is *Gladio ſuccinctus*, to ſignify that he had a Juriſdiction over the County. See *Pleas of the Sword.*

Glaire, (Fr.) a Sword: Alſo a Lance or Horſeman's Staff. *Gleyre, long Sword, ſhort Sword* and *Dagger*, were the Weapons allowed the Parties in a Trial by Combat. See *Orig. Juriſdict. fol.* 79. *b.*

Glanvil Was a learned Lawyer, and Chief Juſtice in *Henry* the Second's Days, who writ a Book *Of the Common Laws of England*, which is the ancienteſt of any extant, touching that Subject. *Staundf. præ. c.* 1. *fol.* 5. He was then called in Latin *Ranulphus de Glanvilla.* He died in *Richard* the Firſt's Days, at the Siege of *Acres*, on the Coaſt of *Paleſtine*, being with him in his Voyage to the *Holy-Land. Plowden, fol.* 368. *Stowel's* Caſe.

Glavea A *Glaive*, or *Gleave*, a *Javelin*, a Hand-Dart. — *Quod cum vidiſſet quiſpiam de caſtello & adverſarium agnoviſſet, telo gracili, quod* Ganea (*legendum eſt* Glavea) *dicitur eum jam cominus poſitum petiit, quo teſtam capitis ipſius male nudati perforavit.* Gervas. Dorobern. *ſub an.* 1144.

Glawance oze. See *Plowden, f.* 320. The Caſe of *Mines.*

Gleab-land, (*Gleba,*) Church-land. *Dos vel terra ad Eccleſiam pertinens.* Charta Elredi Regis Monaſt. de Croiland, apud Ingulphum. *Imprimis totam inſulam Croilandiæ pro* Gleba *Eccleſiæ, & pro ſitu ſeparali ejuſdem Monaſterii — Dono. Lyndewode* ſays, Gleba *eſt terra in qua conſiſtit Dos Eccelſiæ; generaliter tamen ſumitur pro ſolo vel pro terra culta.* Mentioned in the Statute of 14 *Car.* 2. *c.* 25. We moſt commonly take it for Land belonging to a Pariſh-Church, beſides the Tithe. *Skene* ſays, *The four Acres of Land, quhilk is given to the Miniſters of the Evangel in* Scotland, *is called ane* Gleeb, *the quhilk ſuld be free fra Payment of any teinds.*

Gleba, Glebam ferre. *Anno* 1335. *Cuſtos & Magiſter domus beatæ Mariæ Magdalenæ extra portam auſtralem civitatis Exonienſis* tulerunt glebam *pro redditu exeunte de quodam gardino extra portam orientalem civitatis prædictæ, vocato Morley Shulteſhay, & hæc conſuetudo vocatur* Gleba. Izack's Antiquities of Exeter, *p.* 48. For it ſeems the ancient Cuſtom of that City was, when the Chief Lord in Fee could not be anſwered of the Rent due to him out of his Tenement, and no Diſtreſs could be there levied for the ſame; then the Lord came to the Tenement, and there took a Turf or Stone, and brought the ſame to the Court ſeven Days ſucceſſively: And this was called *Gleba*, ib. p, 50.

Glebariæ, Turfs, Pete, or combuſtile Earth. —— *In ſilvis, campis* —— *viis, ſemitis moris,* glebariis, *lapidibus, metallis, avibus, &c.* Mon. Angl. *tom.* 1. *p.* 290.

Glevum, ſee *Clevum.*

Gliſcywa, *i. e.* a Fraternity or Company. *Tribulium collegium.* In the Laws of King *Adelſtan, c.* 12. we read. *Et diximus etiam omnibus hominibus qui in noſtram* Gliſciwam *vadium dedit, ſi contingat eum mori, omnis congildo det unum panem & companagium pro anima ejus.*

Gloceſter. See *Clevum* and *Glevum.*

Glomerells, *i. e.* Commiſſaries appointed to hear the Differences between the Scholars and the Townſmen. In the Edict of *Hugh Balſam*, Biſhop of *Ely. An.* 1276. there is mentioned the Maſter of the *Glomerells.*

Gnignaſia, (ſee *Gignaſia,*) a School. *Et ibi habuerunt* Gnignaſiam *malignorum dogmatum.* Knighton.

Glove-ſilver, Money given to ſome Servants by Cuſtom to buy them *Gloves* as a Reward and Encouragement of their Labours. *Inter antiquas conſuetudines Abbatiæ de Sancto Edmundo* ——*Capiunt etiam quidam ex prædictis ſervientibus* Glove-ſilver *in Feſto S. Petri ad vincula quorum hæc ſunt nomina, Clericus Cellerarii* ii. *den. Armiger Cellerarii* 11. *den. Grangiarius* 11. *den. &c. vaccarius* 1. *den. Ancilla* 1. *den.*——*Ex* Cartular. S. Edmundi, *MS. f.* 323.

Glyn Signifies a Valley in *Domeſday*, *multis locis*.

Go Is uſed ſometimes in a ſpecial Signification, as to *go* to God, is to be diſmiſſed the Court; ſo alſo is to *go* without Day. *Broke* Tit. Fayler de Records, *num.* 1. See *Smith de Rep. Angl. lib.* 2. *c.* 13. and *Kitchin*, *f.* 193.

Goaling of Magabonds, That is, Sending to the *Goal*, 35 *El. c.* 7.

Goats, No Man may common with *Goats* within the Foreſt without eſpecial Warrant. *Nota*, That *Capriolus non eſt beſtia venationis Foreſtæ.* Manwood's *Foreſt-Law*, cap. 25. numb. 3.

Goramium, *Abergevenny.*

God-bote, (Sax.) *Mulcta ex delictis in Deum admiſſis obveniens.* A Fine or Amerciament for Crimes and Offences againſt God: An Eccleſiaſtical or Church *Fine.*

God-gild, that which is offered to God.

Godmundham. See *Delgovitia.*

Gogingſtool, A *Cuckingſtool* for Scolds and Shrews.——*In Burgo de* Montgomery.——*Quia per Objurgatrices & Meretrices multa mala in villa oriantur*——*videlicet lites, pugnæ, diſſimulationes, &c. ac aliæ multæ inquietationes per earum buteſias & clamores. Igitur utimur de eiſdem quod cum captæ fuerunt, habeant judicium de la* Gogingſtoole, *& ibi ſtabunt nudis pedibus & ſuis crinibus pandentibus & diſperſis tanto tempore, ut aſpici poſſint ab omnibus per viam tranſeuntibus, ſecundum voluntatem Ballivorum noſtrorum capitalium.* —— —— ——

Golda, A Gullet, a Sink, a Paſſage for Water, &c.—— *Conceſſionem etiam quam idem Thomas fecit* —— *de terris ſuis & terris tenentium ſuorum tam liberorum quam nativorum, a* Goldis *mundandi per ſe & ſuos ſecundum conſuetudinem in locis de Alferton & Norton uſitatam.* Mon. Angl. *Tom.* 2. *p.* 610.

Golda, a Mine. *Conceſſionem quam idem Thomas fecit de terris ſuis & terris tenentium a* Goldis *mundandis per ſe & ſuos.* Mon. 2 Tom. p. 610.

Goldwith, vel Goldwitch. In the Records of the *Tower* there is Mention of *Conſuetudo Vocata* Goldwith *vel* Goldwitch; but no Explanation of it. *Ideo quære.* A Golden Mulct.

Goliardi (from the Fr. *Gouland*, a Glutton or greedy Feeder.) *Eccleſiæ Catholicæ ordinis dignitati non modicum detrahentes, ſe joculatores ſeu* Goliardos *faciunt aut buffones, &c.* MS. Decretal. Bonifacii VIII. Univerſitati Oxon. cap. De Vita & honeſtate Clericorum.

Goliardus, a Buffoon or Jeſter. 'Tis mentioned in *Mat. Pariſ. Anno* 1229. *viz. Quidam famuli, vel illi quos ſolemus* Goliardenſes *appellare, verſus ridiculos componebant.* Vide Selden ad Fletam, pag. 524.

Good Abearing, *Bonus geſtus*, Is, by a ſpecial Signification, an exact Carriage or Behaviour of a Subject to the King and his Liege People, whereunto Men upon their Evil Courſe of Life, or looſe Demeanor, are ſometimes bound: For as *Lambard* in his *Eirenarcha*, *lib.* 2. *c.* 2. ſaith, He that is bound to this, is more ſtrictly bound, than to the Peace; for the Peace is not broken without an Affray, but this Surety *de bono geſtu* may be forfeited by the Number of a Man's Company, or by his or their Weapons or Harneſs. Whereof ſee more in that learned Writer in the ſame Chapter, as alſo in *Crom. Juſt. of Peace*, *fol.* 119, 120, 121, 122, 123, 124, 125, 126, 127.

Good Behaviour. See *Good Abearing.*

Good Country, *Bona Patria*, Is an Aſſiſe or Jury of *Countrymen* or *Good* Neighbours. *Skene de verbor. ſignif. verb.* Bona Patria.

Goole, From the French *Goulet*, or the Latin *Gula.* In *Anno* 16 & 17 *Car.* 2. *c.* 11. is a Breach in a Bank, or Sea-wall, or a Paſſage worn by the Flux and Reflux of the Sea.

Goorce, Gourt, and Goor. (from the Fr. *Gort*, *i. e.* a Wear,) *Locus in fluvio coarctatus, piſcium capiendorum gratia.* A Wear. *It is recorded, That all ſuch* Gorces, *Mills, Wears, Stanks, Stakes, and Kiddles, which be levied and ſet up in the Time of King* Edward, *the King's Grandfather, and after, whereby the King's Ships and Boats be diſturbed, that they cannot paſs in ſuch River as they were wont, ſhall be out and utterly pulled down, without being renewed.* Anno 25 Ed. 3. c. 4. Sir *Edward Coke* (*on Littl. fol.* 5. *b.*) ſeems to derive it from *Gurges*, a deep Pit of Water, and calls it a *Gors* or Gulf. But *quære*, if not a Miſtake. For he ſays in *Domeſday* it is called *Gourt* and *Gort*, the very *French* Word for a Wear. And I find in the *Black Book* of *Hereford*, *fol.* 20. *Quod tres* Gurgites *in aqua de Monew attachiantur per homines de Groſſo monte:* Where *Gurgites* is uſed (though improperly) as a *Latin* Word for *Gorces* or Wears.

Gore, A ſmall narrow Slip of Ground.—— *Duæ rodæ jacent juxta viam ſcilicet le* gores *ſuper ſhoteſorlong.* Paroch. Antiq. p. 393. *una acra & dimidia jacent ſimul ibidem, & vocantur quinque* gores, *ib.* 532. *una acra cum una* gore. *Ib.* 534. See Mr. *Kennet's Gloſſary.*

Gote. 23 *H.* 8. 5. A Ditch, Sluce or Gutter, I ſuppoſe with more Eaſe drawn from the *Latin* Word *Guttur*, than the Saxon *Geotan*, that ſignifies, as one ſaith, *Fundere.*

Governors of the Cheſt at Chatham are certain Officers appointed to take Care of, and relieve the poor and maimed Seamen belonging to the King's Navy. 22 & 23 *Car.* 2. *Act to prevent Diſturbances of Seamen*, &c.

Graduates, *Graduati*, Are ſuch Scholars as have taken Degrees in an Univerſity. 1 *Hen.* 6. 3.

Gradus, *i. e.* a Year: The Epitaph of *William* the Conqueror in *Ordericus Vitalis*, *lib.* 8.

Pro ſeptem Gradibus *ſe volverat atque duobus*
Virginis in Gremiis Phœbus, & hic obiit.

Graffer (Fr. *Greffier*, i. e. *Scriba*) ſignifies a Notary or Scrivener, and is uſed in the Stat. 5 *H.* 8. *cap.* 1.

Graffio, Graphio, Grabio, an Earl, as *Landgrave*, a Magiſtrate, a Judge, an Advocate—— *Nec Princeps nec* Graffio *hanc lenitatem præfatam mutare audeat. Carta* Kenulphi *Regis Merciorum apud* Mon. Angl. Tom. p. 100.

Graffium, A Writing-Book, a Regiſter, a Lieger-Book, or Cartulary of Deeds and Evidences. *David Epiſcopus Meneveníis, Sancto Thoma Archiepiſcopo in exilium detruſo, a Cuſtodibus Capitale ſigillum abſtulit, & Librum poſſeſſionum quod* Graffium *appellatur. Annal. Eccleſ. Menevenſis apud* Angl. Sacr. P. 1. p. 653.

Graile, Gradale, or Graduale. A *Gradual* or Book containing ſome of the Offices of the *Roman* Church. *Gradale*, ſays *Linwood*, *ſic dictum a* gradalibus *in tali libro contentis, Provincial. Aug. lib.* 3. The Word is mentioned in *Plowden*, *fol.* 542. and 37 *H.* 6. 32. It is ſometimes taken for

a *Mass-Book*, or Part of it instituted by Pope *Celestine*, *Anno* 432. according to *Cotgrave*.

Grain, The 24th Part of a Penny-Weight. In 51 *H.* 3. *Denarius Angliæ qui nominatur* Sterlingus, *rotundus sine tonsura ponderabit triginta & duo grana frumenti in medio spicæ.* These thirty-two *Grains* in the Middle of the Ear of Corn are the *natural Grains*, which for the better Accommodation of Accounts, are now reduced to 24 *artificial Grains*.

Grana, Shrubs or Bushes. *De* Grana *unius acræ.* Mon. 2 Tom. p. 453. See *Grava*.

Grand Assise. See *Assise*, and *Magna Assisa*.

Grand Cape. See *Cape* and *Attachment*.

Grand Days Are those in every Term solemnly kept in the Inns of Court and Chancery, *viz.* In *Easter-Term*, *Ascension-Day*, in *Trinity-Term* St. *John Baptist's Day*, in *Michaelmas-Term All-Saints Day*, (and of late *All-Souls Day*) and in *Hillary-Term* the Feast of the Purification of our *Lady*, commonly called *Candlemas-Day*. And these are *Dies non Juridici*, no *Days* in Court.

Grand Distress, *Magna districtio*, Is so called for Quality and Extent thereof, for thereby the Sheriff is commanded. *Quod distringat tenentem, ita quod ipse nec aliquis per ipsum ad ea manum apponat, donec habuerit aliud præceptum, & quod de exitibus eorundem nobis respondeat, & quod habeat corpus ejus, &c.* This Writ lies in two Cases, either when the Tenant or Defendant is attached, and so returned, and appears not, but makes Default; then a *Grand Distress* is to be awarded: Or else when the Tenant or Defendant hath once appeared, and after makes Default, then this Writ lies by the Common Law in lieu of a *Petit Cape*, 2 *par. Inst. fol.* 254. 51 *H.* 3. *c.* 9. *Westm.* 1. *cap.* 44. and *Fleta lib.* 2. *c.* 69. *sect. penult.* See *Distress*.

Grand Serjeanty. See *Chivalry* and *Serjeanty*.

Grange, *Grangia*, Is a House or Farm, not only where Corn is laid up, as Barns &c. and *Granaries*, *&c.* but also Stables for Horses, Stalls for Oxen, Sties for Hogs, and other Things necessary for Husbandry: And by the Grant of a *Grange* such Places will pass. *Provinc. Angl. lib.* 2. *tit.* de Judiciis, *cap.* Item Omnis.

Grangerus, The *Granger*, or *Grange-Keeper*, an Officer belonging to religious Houses, who was to look after their *Grange* or Farm in their own Hands. —— Grangerus, *qui est unus Servientum de feodo cujus officii collatio spectat ad Abbatem, debet esse in curia* Grangiarum —— *& ibi in omnibus commodo Cellerarii intendere* —— Ex Cartular. S. Edmundi. *MS. fol.* 323. He was otherwise called *Grangiarius*, and in this he differed from the *Granatarius*, that this later was Keeper of the *Granary* or Corn-Chamber in a religious House, the other accounted for the Profits of a Country *Grange*. And therefore it was expresly provided that the same Person should not execute both Offices. —— *Nec sustineatur quod Præpositus sit* Granatarius & Grangarius *simul.* Fleta, l. 2. c. 12. sect. 1.

Grangiarius is he who has the Care of Places for all Manner of Husbandry. See *Grange* and *Grangerus*.

Grant. *Concessio*, Signifies a Gift in Writing of such a Thing as cannot aptly be passed or conveyed by Word only, as Rent, Reversion, Services, Advowsons in gross, Common in gross, Tithes, *&c.* Or made by such Persons as cannot give but by Deed, as the King, and all Bodies Politick, which Differences are often in Speech neglected, and then it is taken generally for every Gift whatsoever, made of any Thing by any Person; and he that *granteth* is named the *Grantor*, and he to whom it is made, the *Grantee*. *West. Symbol. part* 1. *lib.* 2. *sect.* 334. A Thing is said to lie in *Grant*, which cannot be assigned without Deed. *Coke, lib.* 3. *fol.* 63. *Lincoln College* Case.

Grant, A Devil, a Spectre, an Apparition, so called by our Fore-Fathers, and thus described by our Countryman *Gervase* of *Tilbury*, in his MS. Tract. *De Otiis Imperialibus: Lib.* 3. *cap.* 64. *Est in Anglia quoddam Dæmonum genus, quod suo idiomate* Grant *nominatur, ad instar pulli equini anniculi, tibiis erectum, oculis scintillantibus. Istud Dæmonum genus sæpissime comparet in plateis in ipsius diei fervore, aut circa solem occiduum, & quotiens apparet, futurum in urbe illa, vel vico, portendit incendium. Cum ergo sequente die vel nocte instat periculum, in plateis, discursu facto, canes provocat ad latrandum, & dum fugam simulat, sequentes canos ad insequendum spe vana consequendi invitat: Hujusmodi illusio convicaneis de ignis custodia cautelam facit, & sic officiosum dæmonum genus, dum aspicientes terret, suo adventu munire ignorantes solet.* —— I wish some ingenious Citizen of *York* would enquire into the Appearances and Effects of the *Bar-Guest*, or Apparition which is said to haunt the Streets of that Place; and compare it with the *Grant* before described.

Grants, for *Grandees*, or great Men, in the Parl. Roll of 6 *E.* 3. *n.* 5, 6. *Et les ditz Countz, Barons, & autre* Grantz. Which Word is mistranslated by some Authors to signify Commons.

Grass-Hearth, *Grasing*, or turning up the Earth with a Plough, as we still say the Skin is *grased* or slightly hurt, and a Bullet *grases* on any Place, when it gently turns up the Surface of what it strikes upon. Hence the Customary Service for the inferior Tenants to bring their Ploughs, and do one Day's Work for their Lord, was within the Parish of *Amersden* in the County of *Oxford*, called *Grass-hearth*, and *Grass-hurt*. See *Parochial Antiquities*, *p.* 496, 497. and Mr. *Kennet's* Glossary annexed to that Work.

Grava, A Grove, a Coppice, a Thicket, a small Wood. —— *Salva nobis & Succ. nostris una* grava *continente circiter duas acras bosci jacente juxta boscum nostrum in Balsham, &c. Cart. Philippi Epi Elien. dat.* 17 October 1435. *Dedi eis unam* Gravam, *quæ dicitur* Birchcombe, *& licentiam circumclaudendi, &c.* Mon. Angl. 2 Par. f. 262. a. *Unam Carucatam terræ cum* Gravis *& pasturis eidem pertinen.* Ibid. f. 198. a. Sir *Edward Coke*, 1 *Inst. fol.* 4. *b.* says it signifies a little Wood; and *Cambden* agrees in it: But elsewhere I find it to signify a thick Wood of high Trees, a Grove. *Dugd. Warwickshire, f.* 503. *b.* And *Greve* in *Old English* signify'd a Bush. See *Grana*; see likewise Mr. *Kennet's Glossary*.

Gravare and **Gravatio**, an Accusation or Impeachment. See *Cravare*. *Et qui permanet sine* Gravatione *& Calumnia.* Leg. Ethelred. cap. 19.

Gravaria for *Granaria.* Mon. 2 Tom. p. 260. *Ego, &c. concedo Ecclesiam istam liberam ab omni consuetudine* Gravariorum *& Bernagiorum, &c.*

Grave,

Grave, the Names of Places ending in *Grave* come from the Sax. *Græf, i. e.* a Wood, Grove, or Thicket, Den, or Cave.

Graynes, *Grana Paradisi*, alias *Cardamomum*, Is a Spice medicinable and wholesome, whereof you may see divers Kinds in *Gerrard's Herbal. lib.* 3. *c.* 148. These are comprised among Merchandise to be garbled by 1 *Jac.* 19.

Great men Are sometimes understood of the Temporal Lords in the higher House of Parliament, as 43 *E.* 3. *c.* 2. and 8 *R.* 2. *in Procem.* and sometimes of the Members of the House of Commons, as 2 *R.* 2. *Stat.* 2. *in principio.*

Grith-breach or Allegiance-breach, Is intended for a Breaking of the Peace by *Saxton*, in his *Description of England*, and *Rastal*, Tit. *Exposition of Words*, but mistaken for *Grithbrech.* See *Grithbrech.*

Gree Cometh of the *French* Word *Gre*, that is Good-liking, and in Law signifies Contentment or Satisfaction, as in 2 *R.* 2. *cap.* 15. To make *Gree* to the Parties, is to give them Contentment or Satisfaction for an Offence done unto them. So in 25 *E.* 3. *cap.* 19. *That Judgment shall be put in dispence, till* Gree *be made to the King of his Debt.* See *Agreement.*

Green-Cloth. See *Counting-House.*

Greenhew Is all one with Vert. *Manwood's Forest-Law*, c. 6. num. 5. See *Vert.*

Green Silver, *Argentum Viride*, By Custom in the Manner of *Writtle* in *Essex*, every Tenant having his Fore-Door opening to *Greenbury*, pays a Half-penny yearly to the Lord of the Manor, by the Name of *Green Silver.*

Green War Is a Word used in 42 *E.* 3. 9. and 7 *H.* 4. 3. and signifies the Estreats of *Fines*, Issues and Amerciaments in the *Exchequer*, under the Seal of that Court made in *Green Wax*, to be levyed in the County. See *Foreign Apposer.*

Gressume. See *Gersuma.*

Greva, The Sea-Shore, or Sand, or Beach. ——*Novem acras in* greva *maris* —— *mensuratas pertica* 20 *pedum ad salinas faciendas.* Mon. Angl. Tom. 2. p. 625.

Greve, *Præpositus*, Is a Word of Power and Authority, signifying as much as *Comes*, or *Vicecomes. Lamb.* in his *Exposition of* Saxon *Words*, verbo *Præfectus*, makes it all one with *Reve.* The *Saxon* Word is *Gerefa*, of which we have divers Words compounded, as *Shyreve*, *Portreve*, &c. which, by the *Saxons*, were written *Scyregerefa*, *Portgerefa.* See *Shireeve* and *Portgreve. Hovedon*, *part. poster. annal.* f. 346. saith, *Greve dicitur, ideo quod jure debeat Grith*, i. *pacem ex illis facere qui patriæ inferunt væ*, i. *miseriam vel malum.* From whence, but with less Power and Dignity, is derived the Word *Reve*, Bailiff, or Under-Officer of the Lord of a Manor.

Greves, *i. e.* Iron Boots.

Gribridge. See *Grithbreche : Habet Rex Forisfacturas haud focam* Gribridge *Foristel.* Domesday, *per* Gale, 760.

Grils, (*Anno* 22 *Ed.* 4, *cap.* 4.) a Kind of small Fish.

Griseum, a Skin of a Beast very rich. *Nunc non solum scarlatocum vario* Grisio, *sed etiam purpura & Bysso vestiuntur.* Du Cange.

Grithbrech, (*Pacis fractio seu violatio*) Is a *Breach* of the Peace, *In causis Regiis* Grithbrech 100 *sol.* —— *emendabit. Leg.* H. 1, c. 36. *Charta* Willielmi Conq. *Eccles. sancti Pauli in Hist. ejusd. fol.* 90. *Grithbreche*, i. e. *Quod* Prior *tenebit Placita de illis qui frangunt pacem Regis vel libertatis ipsius Prioris.* Ex Reg. Priorat. de Cokesford.

Grithstole, *Sedes pacis*, A Sanctuary. See *Frodmortell.*

Grocers, by 37 *E.* 3. 5. Were Merchants that engrossed all Merchandise vendible ; but now it is a particular and well known Trade, incorporated into a Company which is one of the Twelve, and have a very handsome Hall, from them stiled *Grocers-Hall.*

Gronna, A deep hollow Pit ; a Bog, a miry Place.——*Ipsius Haroldi corpus effodere, & in* gronnam *projicere jussit.* Roger Hoveden, *pag.* 438. So *Grunna*, in the Life of Saint *Skidan* Bishop of *Fern* in *Ireland.* Num. 10. *Erat autem magna* gronna *inter eos* 41. *silvarum, per cujus circuitum via erat.*

Groom, *Vallettus*, 33 *H.* 8. *cap.* 10. Is the Name of a Servant in some inferior Place. *Vestegan* in his *Restitution of decayed Intelligence*, saith, That he findeth it to have been in Times past a Name for Youths, who albeit they served, yet were they inferior to Men Servants, and were sometimes sent on Foot on Errants, serving in such Manner as Lackies do now.

Grossa, A Groat. *Concessa est Regi una* grossa, *quæ continet quatuor denarios de quolibet viro & muliere.* Henry Knyghton, *sub an.* 1378.

Grosse, In *Grosse*, Absolute, Independent ; as formerly a Villain *in grosse*, was such a servile Person, as was not appendant or annexed to the Land or Manor, and to go along with the Tenure as an Appertinance of it : But was like the other personal Goods and Chattels of his Lord, at his Lord's free Pleasure and Disposal. So Advowson in *grosse* distinguished from Advowson *appendant.*

Grosse bois Is great Wood, and properly signifies such Wood as is either by the Common Law or Custom of the County, Timber. 2 *par. Inst. fol.* 642.

Grossome Signifies a *Fine*, and is corrupted from *Gersum.* For *Plow. fol.* 271. saith thus, *Et le dit* J. K. grant *per mesme le indenture a payer en la fine de le dit terme de* 10. *Ans al dit* W. N. *deze Mille de tiles ou le value de eux en argent en nosme de* Grossome ; and in *fol.* 285. it is written *Gressame. Absque aliquo* Gressame *vel fine pro præmissis solvend.* See *Gersuma.*

Grossus, *i. e.* a Thing entire, not depending on another. Thus *Villanus in Grosso* was a Servant which did not belong to the Land, but immediately to the Person of the Lord : For an Advowson in *Grosse* is a Right of Patronage not annexed to the *Fee* or Manor, but it belongeth to the Patron himself, distinct from the Manor.

Groundage is a Tribute paid for the *Ground* on which a Ship stands in a Port.

Groundsel. See *Pelf.*

Growm, By 43 *E.* 3. *cap.* 10. Seems to be an Engine to stretch Woollen Cloth with after it is woven.

Growth Half-Penny, A Rate paid in some Places for Tithe of every fat Beast, Ox, or other unfruitful Cattel. *Clayton's Rep. p.* 92.

Gruarii, Derived from the French *Gruyer*, signifies generally the principal Officers of the Forest ; of whom you may read in the Forest Records.

Gruta, Gruel, Broth, Pottage. In the Accounts of the Cathedral Church of St. *Paul* in *London*, about 5 *Ed.* II. *Summa frumenti ad panem*

185. *quarter. Summa frumenti ad* grutam 135. *quarter. Summa ordei ad* grutam 135. *quarter.*—— *Ex* Libro Statut. Eccl. Paulinæ. *MS. f.* 73.

Gzunna. See *Gronna.*

Guadage or **Guidage**, (*Guadagium vel Guidagium*) *Eſt quod datur alicui, ut tuto conducatur per terram alterius:* That which is given for ſafe Conduct through unknown Ways, or a ſtrange Territory. Sir *Edw. Coke* calls this an old legal Word. 2 *Inſt. f.* 526.

Gualdum. See *Waldum.*

Guannagium. See *Wannage.*

Gueſt-takers or **Giſt-takers.** See *Agiſtors.*

Guiders, they are ſo called becauſe they lead Fiſh to the Net. *Anno* 1 *Jac. cap.* 23. See *Conders.*

Guidzigild. See *Weregild.*

Guild. See *Gild,*

Guilda for *Gualda*, viz. *Edricus cognomento* Guilda, *i. e. ſylvaticus.*

Guildhalda Tutonicorum. See *Gild.*

Guinea-Pepper, *Piper de Guinnea*, Is otherwiſe called *Indian Pepper*, from the Place whence it cometh; the Nature, and farther Deſcription whereof you have in *Gerrard's Herbal, lib.* 2. *c.* 66. This is mentioned among Drugs and Spices to be garbled, by 1 *Jac.* 19.

Gule of Auguſt, (*Gula Auguſti. Weſt.* 2. *cap.* 30. 27 E. 3. Stat. 3. cap. *unico F. N. B. fol.* 62. alias *Goule de* Auguſt. And *Plowden, fol.* 316. Caſe of *Mines*) is the very Day of St. *Peter ad vincula*, which was wont to be, and is ſtill celebrated upon the firſt of *Auguſt.* And in Probability called *The Gule of Auguſt*, from *gula* a Throat. The Reaſon we have in *Durand's Rationale Divinorum*, lib. 7. cap. *de facto ſancti Petri ad vincula*, where he ſaith, That one *Quirinus* a *Tribune* having a Daughter that had a Diſeaſe in her Throat, went to *Alexander*, then Pope of *Rome*, the Sixth from St. *Peter*, and deſired of him to borrow, or ſee the Chains that St. *Peter* was chained with under *Nero*; which Requeſt obtained, his ſaid Daughter kiſſing the ſaid Chain, was cured of her Diſeaſe, and *Quirinus* with his Family baptized. *Tunc dictus* Alexander *Papa*, ſaith *Durand*, *hoc feſtum in Calendis* Auguſti *celebrandum inſtituit, & in honorem beati* Petri *Eccleſiam in urbe fabricavit, ubi ipſa vincula repoſuit, & ad vincula nominavit, & Calendis* Auguſti *dedicavit. In qua feſtivitate populus ille ipſa vincula hodie oſculatur.* So that this Day that before was only called *The Calends of Auguſt*, was upon this Occaſion termed indifferently either of the Inſtrument that wrought the Miracle, St. *Peter's Day ad vincula*; or of that Part of the Maid whereon the Miracle was wrought, the *Gule of Auguſt.* See *Hoſpinian de origine feſtorum*, fol. 85. *Averagium æſtivale fieri debet inter* Hock-Day & gulam Auguſti: *Rentale Manerii Regalis de* Wye.

Guldum, Taxation, or pecuniary Impoſition —— *Abbas & conventus ſunt quieti de eſchapiis latronum, bobus, de diſſeiſina*, guldis, *theoloniis, &c.* Cartular. Galſton. *MS. f.* 87. *a.*

Gultwit Is an Amends for Treſpaſs, according to *Saxton*, in his *Deſcription of England. cap.* 11. But we may ſuppoſe it miſtaken for *Gyltwit*, becauſe no ſuch Word is found either in *Spelman's Gloſſary*, the *Saxon Dictionary*, or ancient Records.

Gum Is a clammy or tough Liquor iſſuing out of Trees, and hardned by the Sun. Of theſe there be divers Sorts brought from beyond Sea, that are Drugs to be garbled, as appeareth by the Statute 1 *Jac.* 19.

Gumfus, Gumphus. The Hook upon which the Hinge turns.——*In granario cooperiendo* xxvi. *ſol.* x. *den. In oſtiis eidem faciendis cum* gumfis & *vertinellis* (*i. e.* with Hook and Hinges) vii. *ſol.* 4 *denar.* Computus Domus de Farendon. *MS. fol.* 18.

Guſt, *Hoſpes*, Is uſed by *Bracton* for a Stranger or *Gueſt*, that lodges with us the ſecond Night. *Lib.* 3. *tract.* 2. *cap.* 10. In St. *Edw.* Laws, publiſhed by *Lamb. num.* 27. it is written *Geſt.* Of this ſee more in *Uncouth.*

Guti, Gothi, and Gotti, (called ſometimes *Futæ*, by the Romans *Getæ*, and by the Engliſh *Goths*; 'tis derived from the old Word *Fæt*, which ſignifies a Giant) were one of thoſe three Nations or People who left *Germany*, and came to inhabit this Iſland. In *Leg. Edw. Confeſſor, cap.* 35. we read, *Gutti vero ſimiliter, cum veniunt, ſuſcipi debent & protegi in iſto regno, ſicut conjurati fratres, ſicut propinqui, &c.*

Gutta, The Gout. *Anno* 1287. *Quidam infirmitate quam Medici* guttam *vocant vexabatur, ut nec pedes nec manus abſque dolore graviſſimo movere poſſit.* Liber de miraculis Tho. de Cantilupo Epiſcopi Hereford. *MS. penes* Willielmum Glynne *Baronettum.*

Guttera, A Gutter or Spout to convey the Water from the Leads and Roofs of Churches. —— *Cuſtos operis poſt ſingulas magnas pluvias faciat ſcrutari voltas ſuperiores Eccleſiæ, & tunc ſimiliter mundari faciat deambulatoria ſuperiora circa Eccleſiam exterius, ut pluvia liberum fluxum habeat per* gutteras, *nec amplius, &c.* Liber Statutorum Eccl. Paulinæ London. *MS. f.* 41. *a.*

Gutter-tile alias **Corner-tile**, Is a *Tile* made three corner-wiſe, eſpecially to be laid in *Gutters*, and at the *Corners* of *tiled* Houſes and Dove-houſes, 17 *E.* 4. 4.

Gwabr-merched Is a *Britiſh* Word, ſignifying a *Fine* made to ſome Lords of Manors upon the Marriage of their Tenants Daughters, or otherwiſe upon their committing Incontinency. See *Marchet* and *Lairwite.*

Omnibus —— Jacobus Baskervile *Miles Dominus Manerii de Yrſley* (Com. Heref.) *ſalutem. Noveritis me præfatum Jacobum remiſiſſe* Johanni ap John *Hered. & aſſign. ſuis totum jus, titulum, &c. quod habeo de & in quibuſdam Serviciis aut redditibus exeunt. de tenemento quod prædictus* Johannes *tenet de me in prædicto Manerio, quæ ſervitia aut redditus ſequuntur, viz. Moch-meſwryc*, otherwiſe called *Maſtſwine. Gwarthegan Claimai*, otherwiſe called *Cowyeld. Cwabr-merched*, otherwiſe called *Lairwite. Arian-Ythen*, otherwiſe called *Ox-Silver. Gwaſanethen*, otherwiſe called *Work-Silver.* And *Deiliad-Moor*, otherwiſe called *Tenant in Meor. Ita quod nec ego prædict. Jac. nec hæredes mei aliquod jus, &c. in prædictis ſerviciis in futur. habere poterimus, &c.* Dat. 16 Oct. 4. Ed. 6. Penes Joh. Stead Gen.

Gwalſtow, (*Gwalſtowum* from the Sax. *Gwal*, i. e. *Patibulum*, and *Stow*, *Locus*) *Locus Patibuli ſeu occidendorum. Omnia* Gwalſtowa, *id eſt occidendorum loca, totaliter Regis ſunt in ſoca ſua.* LL. Hen. 1. cap. 11.

Gwapf, Waif, Waivium, They were properly ſuch Goods, as Felons or Thieves when purſued, caſt down and left in the Highway, which became a Forfeiture to the King or Lord

Lord of the Manor, unleſs the right Owner did legally claim them within one Year and a Day. ——— *Recognitum eſt Militibus & liberis hominibus, quod ad nos ſpectat le* Gwayf, *&c. ita & ſtatim redditum eſt nobis le* Gwayf *de Ernicot, ſcilicet duo porci cum quinque porcillis. Paroch. Antiq. pag.* 16. Where the Word ſignifies only ſtray Cattel. See *Waif* and *Stray*.

Gylput. It was found by Inquiſition upon an *Ad quod Dannum*, 13 *Ed.* 3. *n.* 12. that there did belong to the Liberty or Hundred of *Patbbew*, in *Com. War.* a certain Court called *Gylput* held every three Weeks; but why or whence ſo called, *Quære.*

Gyrwitte, ——— *Habeatque ipſe Epiſcopus* (*ſc.* Oſwaldus Ep. Weorgeceaſtre,) *omneſque ſui ſucceſſores ibi ad jus Eccleſiaſticum, debita tranſgreſſionum & pœnam delictorum, quæ nos dicimus* Oferſe eneſſe, & Gyld Wide, & *omnia quæcunque Rex in ſuis Hundredis habet.* Ex ipſo Autographo *Eadgari* Regis Dat. *Anno* 964. *Penes ſereniſſimam Majeſtatem* CAROLI II. *Regis.* A Compenſation or Amends for Treſpaſs or Fraud; *Multa pro Tranſgreſſione.*

Gyrwagi Were a Sort of wandring Monks, who left their own Cloiſter and viſited ſeveral others, pretending Piety. *Matt. Pariſ. pag.* 490.

Gyve, (Fr. *Juif.*) in Law *French* ſignifies a *Jew.* —— *Et que nul* Gyvu *de ceo jur en avant tel manere de detter.* Proviſiones de Judaiſmo, 53 Hen. 3.

H.

Habeas Corpus Is a Writ which a Man indicted of a Treſpaſs before Juſtices of Peace, or in a Court of any Franchiſe; and being apprehended and impriſoned for the ſame, may have out of the King's Bench to remove himſelf thither at his own Coſts, and to anſwer the Cauſe there. *F. N. B. fol.* 250. And the Order in this Caſe is, firſt to procure a *Certiorari* out of the *Chancery*, directed to the ſaid Juſtices, for the Removing of the Indictment into the King's Bench, and upon that to procure this Writ to the Sheriff, for the cauſing his Body to be brought at a Day, *Reg. Jud. fol.* 81. where you may find divers Caſes, wherein this Writ is to be uſed.

Habeas Corpora Is a Writ that lies for the bringing in of a Jury, or ſo many of them as refuſe to come upon the *Venire facias*, for the Trial of a Cauſe brought to Iſſue. *Old Nat. Brev. fol.* 157. See great Diverſity of this Writ in the Table of the *Regiſter Judicial*, verbo *Habeas Corpora*, and the *New Book of Entries*, *verbo eodem.*

Habendum Is a Word of Form in a Deed or Conveyance, every of which muſt have two principal Parts, *viz.* the *Premiſſes* and the *Habendum.* The Office of the *Premiſſes* is, to expreſs the Names of the Grantor, Grantee, and the Thing granted. The Office of the *Habendum* is, to limit the Eſtate, ſo that the general Implication of the Eſtate, which, by Conſtruction of Law paſſeth in the *Premiſſes*, is by the *Habendum* controlled and qualified. As in a Leaſe to two Perſons, *Habendum* to the one for Life, the Remainder to the other for Life, altereth the general Implication of the Joint-Tenancy in the Freehold, which ſhould paſs by the Premiſſes, if the *Habendum* were not. *Co. vol.* 2. *fol.* 55. *Buckler's* Caſe. See *Uſe.*

Habentes homines. In a Charter of *Cenulph* King of the *Mercians*, anno 821. *Nec Rex ſuum paſtum requirat, vel* Habentes homines, *quos nos dicimus* Fæſtingmen, *nec eos qui accipitres portant vel falcones.* Mon. Angl. *Tom.* 1. *pag.* 100. *Du Freſne* ſays, They are no more than *Divites*, rich Men. But no doubt the Word implies a ſtricter Senſe, and did import either the King's Guard or Retinue, who were at the King's Pleaſure to be *Feaſting-men*, or plentifully entertained at the Houſes of his Tenants: Or rather thoſe old Servants who were commended to the Religious by the King, and ſo *faſtned* on them for Corrodies or Maintenance for Life. Or perhaps only the Pledges and Sureties, or Friborghs, who under their Chief or Principal the Tithing-Man, were to keep the King's Peace, and be accountable for the Breach of it.

Habentia In the ſingular Number ſignifies Riches: *Animos eorum* Habentia *inflavit*; and in ſome old Charters, the Word *Habentes* ſignifies rich Men, *viz. Nec Rex ſuum paſtum requirat, vel* Habentes *homines quos nos dicimus* Feaſting-Men. Monaſt. 1 Tom. p. 100.

Habere facias ſeiſinam Is a Writ Judicial, which lieth where a Man hath recovered Land in the King's Court, directed to the Sheriff, and commanding him to give *Seiſin* of the Land recovered. *Old Nat. Brev. fol.* 154. See great Diverſity thereof in the Table of the *Regiſter Judicial*, verbo *Habere facias ſeiſinam.* This Writ is ſometimes iſſuing out of the Records of a *Fine* Executory, directed to the Sheriff of the County where the Land lieth, and commanding him to give to the Cogniſee, or his Heirs, *Seiſin* of the Land whereof the *Fine* is levied, which Writ lieth within the Year after the *Fine*, or Judgment, upon a *Scire facias*, and may be made in divers Forms, *Weſt. Symbol.* 2 Tit. Fines *ſect.* 136. There is alſo a Writ called *Habere facias ſeiſinam, ubi Rex habuit annum, diem & vaſtum*, which is for the Delivery of Lands to the Lord of the Fee, after the King hath taken his Due of his Lands that was convicted of Felony. *Orig. fol.* 165.

Habere facias viſum Is a Writ that lies in divers Caſes, as in Dower, *Formedon*, *&c.* where View is to be taken of the Lands or Tenements in Queſtion. *F. N. B. in Indice*, verbo *View. Bracton, lib.* 5. *tract.* 3. *cap.* 8. *& lib.* 5. *part* 2. *cap.* 11. See *View*, Reg. Jud. *fol.* 1. 26, 28, 45, 49, 52.

Haberellus, A Sort of Fiſh, perhaps *Haberdine*, or a Sort of Cod-Fiſh dried and ſalted. —— *Sowy redit in gabulo aſſiſo* xiii. *libras.* —— & v. *de anguillis* & II. *de* haberellis, & I. *de parvis anguillis, vel tres ſolidos de piſcaria.* Cartular. Abbat. Glaſton. *MS. f.* 39. *a.*

Habergeon, an Helmet or Head-piece, which covered the Head and Shoulders: From the Germ. *Hals, Collum*, and *Bergen, tegere.*

Habergetum. See *Habergeon.*

Haberjects or Haubergets, *Haubergetta*, A Kind of Cloth, of a mixt Colour; *una ſit latitudo pannorum tinctorum, ruſſatorum* & Haubergettarum, *ſcil. duæ ulnæ infra liſtas.* Mag. Chart. c. 25, 26. *Et pupilla oculi*, part. 5. c. 22.

Habiliments of War. 31 *Eliz. cap.* 4. Are Armour, Harneſs, and Proviſion of *War* of all Sorts, without which no *War* can be maintained. 3 *Par. Inſt. fol.* 79.

Hables Is the Plural of the French *Hable*, signifying a Port or Haven of the Sea; whence Ships set forth into other Countries, and where they do arrive when they return from their Voyage: This Word is used 27 *Hen.* 6. 3. See *Hafne.*

Habundo, Abundance, Plenty. —— *Receptis de caseo & butiro, & eo minus propter* habundam *casei maximam.* Paroch. Antiquit. p. 548.

Hacche. A *Hatch*, a Gate or Door. *Saxa*, hæca, *pessulus*, a *Hatch* or Bolt. —— *Idem tenetur tempore constituto obstruere le* Hacche *de mere, & capere glebam & clausuram in mora.* Cartular. Abbat. Glaston. *MS. fol.* 42. *b.* Hence the Buttery *Hatch*, and several Houses situate on the Highway near a common Gate, are still called *Hatches.*

Haches. See *Hatches.*

Hachetta, A *Hatchet* or cutting Instrument of Iron. —— *Quidam Serviens ipsius* Rogeri *in præsentia ipsius Episcopi percussit & vulneravit usque ad enormem per sanguinis effusionem* Ricardum *de ejusdem Episcopi comitiva, qui ceperat* hatchettam *quam tenebat quidam familiaris alius ejusdem* Rogeri, *versus Dominum Episcopum cum dicta* hachetta *elevata veniens, quasi vellet eundem Episcopum percutere.* Abbat. Glaston. Cartularium. *MS. f.* 66. *a.*

Hachia, A *Hack*, a Pick, or Instrument for digging. —— *Adam de Holt vendidit Henrico Scot quartam partem manerii de* Beterton, *& statim perrexerunt ad prædictam quartam partem de selione in selionem, & ad ultimum selionem dictus Adam cum* hachia *fodit quandam particulam terræ, & tradidit illam dicto* Henrico *nomine seisinæ.* Placita 1 Edw. III. *MS.*

Hadbote Was a Recompence made for the Violation of Holy Orders, or Violence offered to Persons in Holy Orders. *Saxon Dictionary.*

Hade of Land, *Hada terræ*; *Sursumreddidit in manus Domini duas acras terræ continen' decem seliones & duas* Hadas, *Anglice*, Ten Ridges, and two *Hades, jacent' inter terr. &c.* Rot. Cur. Maner' de Orleton, Anno 16 *Jac.*

Haderunga, Respect of Persons, Partiality, from Sax. *had*, Person, Degree, Quality; and *arung*, honouring, admiring. Hence in the Laws of King *Ethelred.* —— *Judicia debent esse sine omni* haderunga, *quod non parcatur diviti alicui vel egeno*, &c.

Hadgonel, alias Haggonel. *Item quando aliquis delegabit terram Burgagii in Eleemosynam conventus, terra illa solebat de cætero esse quieta de* Hadgonel, *& maxime Celerario.* Mon. Angl. 1 par. f. 302. a. q.

Hærede deliberando alii qui habet custodiam terræ, Is a Writ directed to the Sheriff, willing to command one, having the Body of him that is Ward to another, to deliver him to him, whose Ward he was by reason of his Land. *Reg. Orig. fol.* 161. This is now out of use by 12 *Car.* 2. *cap.* 24.

Hærede abducto Is a Writ that lay for a Lord, who having the Wardship of his Tenant under Age, could not come by his Body, for that he was conveyed away by another. *Old Nat. Brev. fol.* 93. See *Ravishment de Gard*, and Hærede *rapto in Reg. Orig. f.* 163. but now of no Use.

Heredipeta, the next Heir: *Et nullus* Hæredipeta *suo propinquo vel extraneo periculosa sane Custodia committatur.* Leg. H. c. 70.

Hæretare, To give a Right of Inheritance, or make the Donation hereditary to the Grantee and his Heirs. —— *Tandem usus consilio & patrocinio amicorum* hæretavit *Sanctum Paulum de quatuor hidis & dimidia.* Histor. Elienſis, Edit. Gale. *cap* 41.

Heretico comburendo; It is a Writ that lies against him that is a Heretick, *viz.* that having once been convicted of *Heresy* by his Bishop, and having abjured it, afterwards falleth into it again, or into some other, and is thereupon committed to the secular Power. *F. N. B. fol.* 269. This Writ lies not at this Day, according to the Opinion of Sir *Edward Coke* in his twelfth *Rep. fol.* 93. This Writ is now utterly abolished by Stat. 29 *Car.* 2. *cap.* 9. *Britton lib.* 1. *c.* 17. says, That, by the Common Law such as feloniously burn the Corn or Houses of others, Sorcerers and Sorceresses, Sodomitical Persons and Heretieks should be burnt.

Hafne Courts: Hafne is a *Danish* Word, and signifies with us a *Haven* or Sea-Port. Letters Patent of *Richard*, Duke of *Glouceſter*, Admiral of *England*, 14 *Aug. Anno* 5 *Ed.* 4. have these Words. *Ulterius dicunt quod dicti Adbas & Conventus & prædecessores sui habent & habere consueverunt per idem tempus in prædictis villis* (Bancaster & Ringstead) *cum Hulmo quasdam Curias Portus, vocatas* Hafne Courts, *tenendas ibidem ad placitum Abbatis, &c.* Haven or Port Courts, 4 *Inst. f.* 147.

Haga, (Sax. *Haga*, *Mansio*) a House in a City or Borough. In *Domosday*, Tit. Sussex. *Terra Rogeri, num.* 11. *Radulfus tenet unam* Hagam *de* xii. *Denar. Willielmus quinque* Hagas *de quinque Sol. &c.* An ancient Anonymous Author expounds *Haga* to be *Domus cum Shopa. Cum novem præfatæ Civitatis habitaculis, quæ patria lingua* Hagan *appellari solent.* Charta Etheldri Regis, in Auctuario Matt. Paris. fol. 240. *Coke on Litt. fol.* 56. *b.* See *Haw.* It also signifies an Hedge. In an old Book, some time belonging to the Abbey of St. *Austin* in *Canterbury*, we find that King *Stephen* sent his Writ to the Sheriff and Justices of *Kent* in this Manner, *Stephanus Rex Anglorum, Vicecomiti & Justiciariis de* Kent, *salutem, Præcipio quod faciatis habere Ecclesiæ Sancti* Augustini *& Monachis* hagam *suam, quam Goscelod eis dedit*, &c.

Haga. A Hedge. Sax. *hæg*, melted into *Hay*, whence *Haia.* —— *Quod totum dictam placeam* —— *includere possint fossato & haga, secundum assisam forestæ.* Mon. Angl. *Tom.* 2. *p.* 273.

Hagablum, the same with *Gablum.*

Hagbut. See *Haque* and *Haquebut.*

Haja, and Hapia, A Hedge, and sometimes taken for a Park or Enclosure, *Vallatum fuit, &c. Fossata* Haja *& Palatio.* Bract. lib. 2. c. 40. num. 3. Hence *Hajement* for a Hedge-Fence. *Rot. Inq.* 33 E. 3. *in Scac. de Foresta.*

Hajebote Is an irregular Compound of the French *Haye*, i. *Sepes*, and the Sax. *Bote*, *compensatio*, and used for a Permission to take Thorns or Fryth to make or repair Hedges. Or rather a Mulct for breaking Hedges. See *Hedgebote.*

Haimesugen. See *Hamsoca.*

Hairbannum. See *Herebannum.*

Hake, A Sort of Fish dried and salted, called commonly *Poor John*, in the Western Parts of *England*, *Hackot*, from Sax. *Hacod.* The Proverb obtains in *Kent*, *as dry as a Hake* —— *Et in tribus copulis viridis piscis cum uno viridi lynge, cum tribus congris, & cum una copula de* Hake. Antiquit. Parochial. pag. 575. See *Spelman's Glossary* in *Hakedus.*

Haketon. See *Jacket*; a Military Coat: *Indutus fuit Epiſcopus quadam armatura, quam* Aketon *vulgariter appellamus.* Walſ. in Ed. 3.

Halbergetus pannus. See *Haubergetus.*

Halfendeal, the Moiety or one half.

Half-haque. See *Haque.*

Half-mark, *Dimidia Merka*, Is a Noble. *F. N. B. fol.* 5. Where he ſaith, That in Caſe a Writ of Right be brought, and the Seiſin of a Demandant, or his Anceſtor, alledged, the Seiſin is not traverſable by the Defendant, but he may tender or proffer the *Half-Mark* for the Enquiry of this Seiſin; which is in plain Terms, that the Defendant ſhall not be admitted to deny, that the Demandant or his Anceſtor, was ſeiſed of the Land in Queſtion, and to prove his Denial; and that he ſhall be admitted to render *half a Mark* in Money, to have an Enquiry made, whether the Demandant, &c. were ſo ſeiſed or not. And in this Signification we find the ſame Words in the *Old Eng. Nat. Brev. fol.* 26. Know, that in a Writ of Right of an Advowſon brought by the King, the Defendant ſhall not proffer the *Half-Mark*, &c. whereof *Fitzherbert*, *ubi ſupra*, giveth this Reaſon, becauſe in the King's Caſe, the Defendant ſhall be permitted to traverſe the Seiſin, by Licence obtained of the King's Serjeant. To which Effect ſee *F. N. B. fol.* 31.

Half-Seal Is uſed in the Chancery for the *Sealing* to *Delegates*, appointed upon any Appeal, either in Eccleſiaſtical or Marine Cauſes. 8 *El.* 5.

Half-Tongue. See *Medietas Linguæ.*

Haligamot. See *Halimote.*

Halke, *i. e.* an Hole, ſeeking in every *Halke*. From the Sax. *Heale*, *angulus.*

Haliwerkfolk, i. e. *Holyworkfolk*, or People who held Lands for the Service of repairing or defending a Church or Sepulchre, for which pious Labours they were excuſed from feodal and military Services. *Hugo Epiſcopus Dunelmenſis Homines de Epiſcopatu ſecum coegit ire in guerram Scotiæ, & cum rediiſſent domi ab eo non licentiati, fecit eos apud Dunelmum incarcerari. Quod ipſi graviter ferentes, fecerunt ſe partem contra Epiſcopum, dicentes ſe eſſe* Haliworkfolk, *& terras ſuas tenere ad defenſionem corporis S. Cuthberti, nec debere ſe exire terras Epiſcopatus, ſcilicet ultra* Tinam & Teyſam *pro Rege vel Epiſcopo. Hiſt.* Dunelm. *apud* Whartoni *Ang. Sac. P.* 1. *p.* 749.

Hall, *Halla*, the *Saxon* Word is *Healle*, and anciently denoted a chief Manſion-Houſe or Habitation; which Word we retain in many Counties of *England* to this Day, eſpecially in the County-Palatine of *Cheſter*, where every Gentleman of Quality's Seat is termed a *Hall.* In the Book of *Domeſday* Tit. Chent. *Terra Hugonis de Mountfort. In Newcerk Hundred ipſe Hugo tenet unam terram quam* Azor Rot *tenuit de R. E.* (Rege Edvardo) *ſine* Halla, *i. e.* ſine domo.

Hallage Is a Fee due for Cloaths brought for Sale to *Blackwell-Hall* in *London. Co. vol.* 6. *fol.* 62. *b.* Alſo the Toll due to the Lord of a Fair or Market, for ſuch Commodities as are vended in the Common *Hall* of the Place.

Hallamaſs, The Day of *All-Hallows*, or *All-Saints*, *Nov.* 1. One of the croſs Quarters of the Year was commonly ſo computed in ancient Writings from *Halymas* to *Candlemas.*

Hallamſhire Is a Part of *Yorkſhire*, in which the Town of *Sheffield* ſtands, 21 *Jac. cap.* 23.

Hallbard: The *Danes* when they invaded this Nation, had Hatchets with two Edges; the *Saxons* had a like Weapon ſo called: From the Germ. *Hall. palatium*, and *Bard bipennis*, which being adorned with Gold and Jewels, was carried by Noblemen, and from them the *Engliſh* had this Weapon, which is ſtill uſed in Princes Courts.

Halmetus. *Villani ne vendant, douent vel locent terras cuſtumarias, per cartam vel ſine, convillanis vel Cuſtumariis, ſine expreſſo conſenſu Firmariorum, & in plena curia vel* Halmeto, *ut per recordum Curiæ, &c. Statut. Eccl. Paul. London. MS. f.* 456. *See* Halymote.

Halmote or Halimote, (From the Sax. *Heale*, i. e. *aula*, and *Gemot*, i. e. *conventus*) is that we now call a Court-Baron; and the Etymology is the Meeting of the Tenants of one *Hall* or Manor. *Omnis cauſa terminetur vel Hundredo, vel Comitatu vel* Halimote, *ſocam habentium, vel dominorum Curia.* LL. Hen. 1. cap. 10. The Name is ſtill retained at *Luſton*, and other Places in *Herefordſhire.*

Hereford ? Palatium } *Ad* Halimot *ibidem tent.* 11 *die Oct. Anno Regni Regis Hen.* 6. 24. *venit Johannes Garneſton & Juliana Uxor ejus in plena Curia, &c.*

It is ſometimes taken for a Convention of Citizens in their Publick Hall, which was alſo called *Folkmot* and *Halmot.* As in *London* every Company hath a *Hall*, wherein they keep their Courts. 4 *Inſt. fol.* 249. This *Halmote* and *Halimote* are often confounded, though originally they were two diſtinct Courts.

But the Word *Halimote* rather ſignifies the Lord's Court, or a Court-Baron held in the Manor, in which the Differences between the Tenants were determined: From the Sax. *Heal*, *atrium*, and *Gemot*, *conventus. Omnis cauſa terminetur vel Hundredo vel Comitatu vel* Halimoto *ſocam habentium:* Leg. H. 1. cap. 9. So in *W. Thorn*, *Anno* 1176. *Ipſis Thanetenſibus aſſerentibus ſe ad Capitalem Curiam beat. Auguſtini Cantuar. placitandi cauſa, vel judicium ſuſtinendi nullo modo debere accedere, ſed in* Halimoto *ſuo in Thaneto omnia ſua judicia exerceri.*

Halsberga, a Coat of Mail: From the *Saxon Hals*, *i. e. collum*, and *Bergan*, *cavere:* It was properly a Defence for the Neck.

Halsfang. See *Healfang* and *Pillory.*

Halymote, Properly an Holy or Eccleſiaſtical Court; howbeit there is a Court held in *London* by this Name, before the Lord Mayor and Sheriffs, for regulating the Bakers, and was anciently held on *Sunday* next before St. *Thomas's Day*, and therefore called the *Halymote*, or Holy Court: The Title thereof ran thus. *Curia Sancti motus tenta in Guilhalda Civitatis London, coram Majore & Vicecom. &c.*

Halywerefolk. (*Ranulphus Dei Gratia Dunelmenſis Epiſcopus omnibus hominibus ſuis Francis & Anglis de* Halywerefolk *ſalutem.* Mon. Ang. 1 Par. fol. 512. b.) did anciently ſignify ſuch of the Province of *Durham*, as held their Lands, to defend the Corps of St. *Cuthbert*, and claimed the Privilege not to be forced to go out of the Biſhoprick either by King or Biſhop. *Hiſt. Dunelm.* And *Durham* in our Year-Books is called *Franchiſe de Werk.* Selden.

Ham, A Houſe, alſo a Village or little Town: This is a Termination of many Towns in *England*, as *Nottingham*, *Buckingham*, *Walſingham*, &c.

Hambles. See *Hables.*

Hambling or Hameling of Dogs, Is the ſame, with expeditating; *Manwood's Foreſt-Law*, *ca.* 16. *num.* 5. ſays, This is the antient Term that Foreſters uſed for that Matter, and *num.* 12. he adds, *Canutus* in his 31 Canon, doth call *The Lawning of Dogs*, *Genu-ſciſſio*, which was a Kind of cutting or laming of *Dogs* in the *Hams*, which the old Foreſters called *Hambling.* See *Expeditate.*

Hamlet, as alſo **Hamel** and **Hampſel**, are diminutives of *Ham*, which ſignifies Habitation. *Camb. Brit. pag.* 149 354. *Kitchin* hath *Hamel* in the ſame Senſe, who alſo uſeth *Hampſel* for an old Houſe or Cottage decayed, *fol.* 103. *Hamlet*, as *Stow* uſeth it in *Edw.* 3. ſeemeth to be the Seat of a Freeholder; for there he ſaith, The King beſtowed two Manors and nine *Hamlets* of Land upon the Monaſtery of *Weſtminſter*, for the Keeping of yearly *Obits* for his Wife, Q. *Eleanor*, deceaſed. *Spelman* making a Difference betwixt *villam integram*, *villam dimidiam* & Hamlettam, hath theſe Words, *Hamlettam vero quæ medietatem friborgi non obtinuit*, *hoc eſt ubi quinque Capitales Plegii non ſint deprehenſi.* The Statute of *Exon*, 14 *E.* 1. mentions it thus, *Lex noſmeſ do toutes les villes* & Hamlets *que ſont en ſon Wapentake*, &c.

Hamelius, A Hamlet.——— *Cum duobus ſolidis annui redditus in* hamello *de Chetham.* Will. Thorn.

Hamfare Is by ſome taken to be the ſame with *Hamſocne*, *i. e.* the Freedom of a Man's Houſe: From the Sax. *Ham*, *Domus*, and *Frith*, *pax*, and *Hamſocne* is from the Sax. *Ham*, *Domus*, and *Socne*, *immunitas*, but I rather think that *Hamfare* is derived from the Sax. *Ham*, *Domus*, and *Fare*, *iter vel progreſſio.* So that *Hamfare* is a Breach of the Peace in a Houſe; and this appears by *Brompton*, *in legibus* H. 1. cap. 80. *Si quis alium in ſua vel alterius domo*, &c. *ſagittet vel lapidet*, *vel colpem oſtenſibilem undequaq; faciat*, Homſocne *eſt vel* Hamfare, *i. e.* he is either guilty of a violent Entry into the Houſe of another, or of the Breach of the Peace in his own Houſe; For by the Definition it appears that the Offences are not the ſame.

Hamma, A Home-Cloſe, a ſmall Croft, or little Meadow.——— *Quoddam pratunculum quod vocatur* Hamm. Paroch. Antiquit. pag. 135. *quatuor acras prati in Gore juxta* hamam *Gilberti.* ib. p. 176. *Computant de ſex ſolidis*, *octo denariis receptis de duobus* hammis *prati in campo de Wendleburg.* ib. p. 572. in which later Citation *hamma prati* ſeems to be a narrow Skirt, Hem, or Edge of Meadow or Graſs in the common Field. See Mr. *Kennet's Gloſſary.*

Hamma, Some Sort of Fiſhing-Tackle, perhaps the Poles with which they beat the Water, to drive the Fiſh into the Nets. For the Word *Hamis* in the *Gloſſary* of *Du Freſne*, is thus expounded from *Johannes de Janua*, *fuſtis aucupabilis*, *ſcilicet*, *virgula*, *quæ ſuſtinet rete*, *quo capiuntur feræ*, *vel quod levat rete in quo capiuntur aves*, & *dicitur ab* Hamus. However it is plainly ſome Inſtrument of Poching for Fiſh.———*Nullus hominum de catero ingreſſum habeat in piſcariam ratione piſcandi*, *ſed omnia retia*, *le* hammes, & *alia inſtrumenta piſcaria*, *deferantur ad curiam de Mere ad opus Piſcatorum.* Cartular. Abbat. Glaſton. MS. f. 90. b.

Hampſel. See *Hamel.*

Hamſoken. See *Homeſoken. Skene de verbor. Signif.* writeth it *Haimſuken*; and deriveth it from *Haim*, a *German* Word, ſignifying a Houſe, and *Suchen*, that is, to ſeek, ſearch, or purſue: It is uſed in *Scotland* for the Crime of him that violently, and contrary to the King's Peace, aſſaulteth a Man in his own Houſe, which, (as he ſaith) is puniſhable equally with Raviſhing a Woman. *Significat etiam quietantiam miſericordiæ intrationis in alienam domum vi & injuſte.* Fleta, lib. 1. cap. 47. Our ancient Records expreſs Burglary under this Word *Hamſocne.* In a Charter of Donation from King *Edmund* to the Church of St. *Mary Glaſton*, we have theſe Words, *Concedo libertatem & poteſtatem*, *jura*, *conſuetudines & omnes forisfacturas omnium terrarum ſuarum*, i. *Burgherith & Hundred-ſetena*, *Athas & Ordel & Infangtheofas*, Hamſocne & *Fridebrice & Foreſtel & Toll & Team in omni Regno meo*, &c. It ſignifies alſo a Franchiſe or Privilege ſo called, granted to the Lords of Manors, whereby they hold Pleas, and take Cognizance of the Breach of that Immunity.

Hand-borow, A Surety, a manual Pledge, that is, an inferior Undertaker; for *Head-borow* is a ſuperior or chief Inſtrument. *Spelm.*

Hand in and Hand out, 17 *E.* 4. *cap.* 2. Is the Name of an unlawful Game.

Handful Is four Inches by the Standard. *Anno* 33 *H.* 8. 5. &c.

Hand-grith, Peace or Protection given by the King with his own Hand. So among the Compacts of *Alured* and *Gudrun*, Sect. 1. *Et hoc eſt primum Edictum Eccleſiæ*, *pax inter parietes ſuos*, *ut Regis* Hand-grith *ſemper inconvulſa permaneat.* This is the Meaning of that Paſſage in the 13th Chapter of the Laws of King *H.* 1. *Hæc mittunt hominem in miſerecordia Regis*, *infractio pacis quam per manum ſuam dabit alicui.* This is what we call Battery.

Hand-habend, A Thief apprehended in the very Fact, having the ſtolen Goods in his Hands ——— *Ne forisbannitum*, *aut furem*, hand-habendam, *Francigenam vel Anglicum*, *ultra duodecimum ætatis annum*, & 8 *denarios valentem*, *impunitum tranſeant.* Leges Hen. 1. cap. 59. See *Fleta*, *lib.* 1. *cap.* 38. *Sect.* 1. and *Bracton*, *l.* 3. *tract. de Conna. cap.* 32. *Sect.* 2.

Hand-habend, (Sax. *Hæbbendre handa*) *Si quis hominem liberum latrocinium ſeu rem furatam ſecum deferentem*, (*quem* Hæbbendre handa *vocant*) *comprehenderit*, &c. Concil. Berghamſted, Anno 697. See *Hond habend.*

Hand-gun Is an Engine prohibited to be uſed, and carried about, by the Statute 33 *H.* 8. 6. And though a Dag was invented of late Time, and after the Making of the ſaid Act, and is not known by the Name of a *Hand-gun*, but by its own ſpecial Name; yet the carrying a Dag is within the ſaid Act. See *Co. lib.* 5. *fol.* 71, 72.

Handy-warp, A Kind of Cloth made at *Cockſal*, *Bocking*, and *Braintree* in *Eſſex*, and mentioned in the Statute, 4 & 5 *Phil.* & *Mar.* 5.

Hanfare. See *Hinefare.*

Hanig, Some cuſtomary Labour to be performed. We read it in the *Monaſt.* 2 *Tom. pag.* 264. *Et ſint quieti de operibus caſtellorum*, *parcorum*, *pontium* & *de clauſuris* & *de carreio* & *ſumagio* & Hanig, & *regalium domorum ædificatione* & *omnimoda operatione.*

Hankwit alias **Hangwite**, (from the Saxon *Hangan*, i. e. *ſuſpendere*, and *Wite*, *mulcta*) Is (according to *Raſtal*) a Liberty granted to a Man, whereby

whereby he is quit of a Felon or Thief, hanged without Judgment, or escaped out of Custody. We read it interpreted to be quit *de laron pendu sans Serjeants le Roy, i. e.* without legal Trial. And elsewhere, *Mulcta pro latrone præter juris exigentiam suspenso vel elapso.* *Q.* Whether it may not also signify a Liberty, whereby a Lord challengeth the Forfeiture due for him, who hangs himself within the Lord's Fee? See *Bloodwit.* It seems to be so *in consuetud. ex* Domesday, by Dr. *Gale*, viz. *Hangenwithum faciens in civitate* 10 s. *dabit.*

Hanok, *Si aliquis inventus fuerit qui clamorem vocatum* Hanok *aliquo modo sine licentia nostra inceperit, morte punietur.* Stat. H. 5. Du Fresne.

Hanper, or **Hanaper of the Chancery**, (*Anno* 10 *Rich.* 2. *cap.* 1.) Seems to signify, as *Fiscus* originally does in *Latin*. See *Clerk of the Hanaper.*

Hanse, According to *Ortelius* in the Index to his *Additament* to his *Theatre*, verb. *Anseatici*, Is an old *Gothish* Word: It signifieth a certain Society of Merchants combined together, for the good Usage and safe Passage of Merchandize from Kingdom to Kingdom. This Society was, and in Part yet is, endowed with many large Privileges of Princes respectively within their Territories. It had four principal Seats or Staples, where the *Almain* or *German* Merchants being the Erectors of this Society had an especial House, one of which was here in *London*, called *Gildhalda Teutonicorum*, or among us vulgarly the *Steel-yard.*—— *Et quod habeant Gildam mercatoriam cum* Hansa, *&c.* Charta Hen. 7. Balivis & Burgens. Montgomer.

Hanse-Towns, So called, either because they lay near the Sea, or from the old *Gothick* Word *Anse*, which signifies those who were the most noble and richest of the People; and from thence we may infer, that these Towns were the chiefest for Trade and Riches; or from the German *Hansa*, i. e. *Societas*, or a Company of Merchants, or Men excelling others in Trade: At first there were seven Towns so called, and afterwards 70.

Hantelode, *i. e.* An Arrest, from the German *Hant, i. e.* an Hand, and *Load, i. e.* laid, *manus immissio. Qui manus immissionem resisterit, quod* Hantelode *vocant*, 40 *sol. solvat in publico.* Du Cange.

Hap, Cometh of the French *Happer*, i. *Rapere*, to snatch or catch: And signifies the same with us, as to *Hap* the Possession of a Deed-poll. *Littleton, fol.* 8. To *hap* the Rent, as if Partition be made by two Parceners, and more Land be allowed to one than the other, and she that has most of the Land charges it to the other, and she *happeth* a Rent, she shall remain an Assise without Specialty.

Haque Is a Hand-gun about three Quarters of a Yard long. 33 *H.* 8. *cap.* 6. and 2 & 3 *E.* 6. *cap.* 14. There is also the *Half-haque* or *Demy-haque.* See *Haquebut.*

Haquebut, (*French*) A Kind of Gun or Caliver, otherwise called an *Arquebuse. Anno* 2 & 3 *Ed.* 6. *cap.* 14. and 4 & 5 *Ph.* & *Ma. cap.* 2. Otherwise called a *Hagbut.* The *Haquebut* is a bigger Sort of *Hand-gun*; from the Teut. *Haeck-buse.*

Haratium, or **Haracium** (from the French *Haras*) signifies a Race of Horses and Mares, kept for Breed. *Spel. Gloss. verb.* Haratium. *Et decimas de dominio suo, de vratis, de bladis, parcis,* Haratiis, *molendinis & de Vivariis.* Mon. Angl. part 1. f. 339.

Hardmic. See *Herdwick.*

Hardwice. *Domesday* Tit. *Glowec. Burg. Lumicare.*—— *In Wales sunt tres* Hardwices, *Lumechare, Potischmet, & dimid. & in his sunt* 8 *carucatæ & 11 villani. Spelman* seems to interpret it a *hard Village*, and *Du Fresne* falls into a perfect Blunder upon the Word. I rather think it meant *Heord-wic*, the Herdsman's Village, as *Ceorlton*, the *Churls-town*: Whence *Herdwick* and *Charlton*, are now the Names of very many Places.

Hariot alias **Heriot**, *Heriotum* Is in the *Saxon* Tongue *Heregate*, which is derived from *Here*, *exercitus*, and *Geat* a Beast, and in the *Saxons* Time signified a Tribute given to the Lord for his better Preparation towards War. *Lambard* in his *Explication of* Saxon *Words*, *verbo* Hereotum: *Erat enim* Hereotum *militaris supellectilis præstatio, quam, obeunte vassallo, Dominus reportavit in sui ipsius munitionem*, says, *Spelman.* And, by the Laws of *Canutus*, *Tit. de* Hereotis, it appears, that at the Death of the great Men of this Nation, so many Horses and Arms were to be paid as they were in their respective Life-times obliged to keep for the King's Service. It is now taken for the best Beast a Tenant hath at the Hour of his Death, due to the Lord by Custom, be it Horse, Ox, *&c.* and in some Manors, the best Piece of Plate, Jewel, or the best Good. The Name is still retained, but the Use is altered; for whereas by *Lambard*'s Opinion, it did signify so much as Relief doth now with us: Now it is taken for the best Cattle that a Tenant hath at the Hour of his Death, due to the Lord by Custom. *Kitchin, fol.* 133, 134, makes *Heriot-Service* and *Heriot-Custom*; for Interpretation whereof, you shall find these Words in *Broke*, *Tit.* Hariot, *nu.* 5. *Hariot* after the Death of the Tenant for Life is *Hariot-Custom. Hariot-Service* is after the Death of Tenant in Fee-simple. In the Book called *Les Terms de la Ley*, 'tis said, that *Hariot-Service* is often expressed in the Grant of a Man, that he holds by such Service to pay *Hariot* at the Time of his Death, that holdeth in Fee-simple. *Hariot-Custom* is, when *Hariots* have been paid Time out of Mind by Custom, and this may be after the Death of Tenant for Life. And for this the Lord may distrain or seise. See *Plowd. fol.* 95, 96. *Bracton, lib.* 2. *cap.* 36. *Doct. and Stud. cap.* 9. But of Right neither the Lord nor Officer should take *Hariot*, before it be presented at the next Court holden after the Tenant is dead, that such a Beast is due for a *Hariot.* If the Lord purchase Part of the Tenancy, *Hariot-Service* is extinguished, but it is not so in *Hariot-Custom. Co.* 8 *Rep. Talbot*'s Case. If the Lord ought to have a *Hariot* when his Tenant dieth, and the Tenant deviseth away all the Goods; yet the Lord shall have his *Hariot*, for the Law preferreth the Custom before the Devise. *Co.* on *Lit. lib.* 3. *cap.* 3. *pag.* 185. See *Dyer, fol.* 199. *num.* 58. This in *Scotland* is called *Herrezelda*, compounded of *Here* in *Dutch*, in Latin *Herus*, that is, a Lord or Master; and *Zeild* a Gift, Tribute or Taxation. *Skene de verb. signif. verbo* Herrezelda. *Heriots*, or the delivering up of Arms at the Decease of a Tenant, did not obtain in *England* till the Sovereignty of the *Danes*, and are first mentioned in the Laws of *Canute.* The Book of *Domesday*, and generally all Monkish Writers have confounded *Heriots* and *Reliefs*: Whereas there was very great Difference between them. *Heriot* was often a *Personal*; *Relief* always a *predial* Service. *Heriots* were first contrived to

keep a conquered People in Subjection, and to ſupport the publick Strength, and military Furniture of the Kingdom. *Reliefs* for the private Commodities of the Lord, that he might not have *inutilem proprietatem* in the Signiory. *Reliefs* were a feudal Service, *Heriots* before any feudal Tenure. *Vide Spelman* of *Feuds*, *cap.* 18. See Mr. *Kennet's Gloſſary in* Heriotum.

Harneſs, From the German *Herniſch*, which ſignifies all War-like Inſtruments, a Word often uſed in our Hiſtories, *viz. Hoveden*, *pag.* 725. *Miſſas ab eo cum* hernaſio *ſuo in Angliam:* And in *Matt. Pariſ. Vita Sancti Albani*, *pag.* 98.

Haro, **Harron**, An Outery, or Hue and Cry after Felons and Malefactors——— *Cubicularius Epiſcopi* Elienſis Willielmum *de* Holm *interfecit*—*Margareta ſoror interfecti ſecuta eſt Epiſcopum, clamore terribili vociferans* Harron *ſuper te* Thoma de Lylde, Harron, Harron *ſuper te, tu enim interfeciſti Fratrem meum* Willielmum de Holme, Harron *ſuper te*, Harron. Hiſt. Elien. apud Whartoni Angl. Sacr. Par. 1. p. 658. See the Original of this *Clameur de haro* among the *Normans* in *la Coutume de Normandie*, per M. *Henry Baſnage*. Vol. 1. pag. 104.

Harquebus. The ſame with *Haquebut.*

Harretti canes, *Harriers* or Hounds for hunting the *Hare*——— *Johannes le Bay tenet duas hidas terræ de Domino Rege in Bokhampton per ſerjantiam cuſtodiendi unam mutam caniculorum* harrectorum, (*i. e.* one Pack of Beagles, or ſmall *Harriers*) *ad cuſtum Domini Regis.* Cart. 12 Ed. 1.

Hart Is a Stag of five Years old compleat, *Manwood's Foreſt-Laws*, *cap.* 4. *num.* 5. which he hath out of *Budæus de Philolog. lib.* 10. And if the King or Queen do hunt him, and he eſcape away alive, then afterward he is called a *Hart-Royal:* And if the Beaſt by the King or Queen's hunting be chaſed out of the Foreſt, and ſo eſcape, Proclamation is commonly made thereabout, that in Regard of the Paſtime, that the Beaſt hath ſhewed to the King or Queen, none ſhall hurt him, or hinder him from returning to the Foreſt; and then he is a *Hart-Royal* proclaimed.

Hartſ-peny, and **Hartſ-Silver**, and **Hartſ-Money.** See *Chimney-Money* and *Peter-Pence.*

Haſpa, The *Haſp* or *Claſp* of a Book. In the Statutes of the Cathedral Church of St. *Paul* in *London*, it was ordained——— *ut Servientes Eccleſiæ aſſeres & haſpas librorum ſuis ſumptibus reparari facient, ſi per culpam illorum confringantur*——— Liber Statutorum Eccl. Paulinæ London. MS. f. 29. a. *Sacriſta curet quod Libri bene ligentur & haſpentur, &c.* ib. 6. 39. b.

Haſta porci, A Shield of Brawn.——— *Johanna de Muſegrave tenet terras in Blecheſdon de Domino Rege per ſervitium deferendi Domino Regi unam* haſtam porci *pret.* 11. *den. cum fugaverit in parco ſuo de* Cornbirie. Paroch. Antiquit. p. 450.

Hatches or **Hatchets**, (mentioned in the Stat. 27 *H.* 8. 23. by the Name of *Hatches* and *Tits*) are certain Dams or Mounds made of Rubbiſh, Clay or Earth, to prevent the Water iſſuing from the Stream-works, and Tin-waſhers in *Cornwal*, from running into the freſh Rivers. And the Tenants of *Balyſtoke*, and other Manors there, are bound to do yearly certain Days Works *ad la Hacches. Survey of Cornwal.*

Haubergets. See *Haberjects.*

Haubergettum, The ſame with *Halsberga.* Fleta, lib. 1. cap. 24. par. 12. It otherwiſe ſignifies a Kind of Woollen Cloth. See *Haberjects.*

Habedeland, A *Head-land*, now commonly a *Had-land*, whence the *Head-way* or *Had-way.* Paroch. Antiq. p. 587.

Haulx, A Haven: *Duas partes decimarum de* Haulis, *&c.* Monaſt. 1 Tom. 564.

Haur (LL. *Will.* 1. *cap.* 16.) ſeems to be there uſed for Hatred; from the French, *Hair* to hate.

Hauthoner, *Homo loricatus*, a Man armed with a Coat of Mail. *Et faciendo ſervitium de* Hauthoner, *quantum pertinet ad prædictam villam.* Charta Galfridi de Dutton, tempore Hen. 3.

Haw, (from the Saxon *Haga*) A ſmall Quantity of Land ſo called in *Kent*; as a *Hemphaw*, or *Beanhaw*, lying near the Houſe, and encloſed for that Uſe. Saxon *Dict.* But I have ſeen an ancient MS. that ſays, Hawes *vocantur manſiones ſive domus.* And Sir *Edw. Coke* (on *Littl. fol.* 5. *b.*) ſays, in an ancient Plea concerning *Feverſham* in *Kent*, *Hawes* are interpreted to ſignify *Manſions. Cambden* ſays, That *Hawgh* or *Howh* ſignifies a green Plot in a Valley, as they uſe it in the *North.*

Hayward. See *Hayward.*

Hawberke, Cometh of the French *Haubert*, *Lorica*, whereupon he that holdeth Land in *France*, by finding a Coat or Shirt of Mail, and to be ready with it when he ſhall be called, is ſaid to have *Hauberticum feudum*; whereof *Hotoman* writeth thus, Haubertieum *feudum Gallica Lingua vulgo dicitur pro Loricatum, i. datum vaſſallo ea conditione, ut ad edictum Loricatus ſive Cataphractus ſit præſto. Nam ut Lorica Latinis proprie tegmen de loro factum quo majores in bello utebantur, &c. frequentiſſima autem pro ænea armatura integra uſurpatur; ſic apud Gallos* Haubert *proprie Loricam annulis contextam ſignificat, quam vulgus Cote de Maille apellat*, Hotom. *in verb.* Feudal. *verbo* Hauberticum Feudum. *Hauberke*, with our Anceſtors, ſeemeth to ſignify as in *France* a Shirt or Coat of Mail, and ſo it ſeemeth to be uſed, 13 *E.* 1. *Stat.* 3. *cap.* 6. Though in theſe Days the Word is otherwiſe written, as *Halbert*, and ſignifies a Weapon well enough known.

Hawes, In *Domeſday-Book* ſignifies Manſions or Dwelling-Houſes.

Hawes, Small Veſſels of Burden to carry Goods in the River *Thames* from *Feverſham*, &c. to *London*, ſuch as are ſtill called *Hoys*, *Anno* 30 *Edw.* 1.——— *Ante fundationem Abbatiæ de Feverſham fuit villa & manerium de Faverſham cum pertin.* ——— *in manibus Regum Angl.*——— *quo tempore fuerunt in prædicta villa triginta & duo manſiones, quæ vocabantur triginta & duæ* hawes, *quæ pro rebus & bonis ſuis in aqua flotantibus fuerunt ſcottantes & lottantes cum ipſis de Dover in auxilium ſervitii ſui viginti navium in quibus tenentur Domino Regi in guerris ſuis*——— Placit. temp. Ed. 1 & 2. MS. yet I rather think it meant of xxxii *Haghæ*, *Haghs*, or Houſes.

Hawkers Be a Sort of deceitful Fellows that go from Place to Place, buying and ſelling Braſs, Pewter, and other Merchandiſe, that ought to be uttered in open Market: The Appellation ſeemeth to grow from their Uncertainty, like thoſe that with *Hawks* ſeek their Game where they can find it; you may read the Word 25 *H.* 8. 6. and 33 *H.* 8. 4. We now call thoſe *Hawkers* that go up and down the Streets crying *News-Books*, and ſelling by Retail; and thoſe who ſell them by Wholeſale from the Preſs are called *Mercury's.*

Hay, (*Haya*, French *Haye*) An Hedge, an Inclosure, anciently fenced with Rails, as in *Canke-Foreſt* there were ſeven ſuch, and one in moſt Parks; ſometimes it is uſed for the Park it ſelf, ſometimes for an Hedge or hedged Ground. *Univerſis Capitulum B. Petri Ebor. conceſſiſſe ad firmam totam* Hayam *noſtram de* Langerath *cum ſolo ejuſdem* Hayæ, *bruera, mariſco, & omnibus aliis pertin. Reddendo inde annuatim nobis tempore pinguedinis unum damum, & fermiſonæ tempore unam damam, &c.* Dat. 13 Kaland. Jan. Anno 1279.

Hayam. The ſame with *Haia.*

Haybote Is derived from the Saxon *Hæg, i. e.* an Hedge, and *Bote, i. e.* a Mulct or Recompence for Hedg-breaking, or rather, a Right to take Wood neceſſary for making Hedges, either by Tenant for Life, or for Years, though not expreſſed in the Grant or Leaſe. 'Tis mentioned in the *Mon. 2 Tom pag.* 134. *Et concedo ei ut de boſco meo* Heybot, *&c.* And in the ſame Place *Husbote* ſignifies a Right to take Timber to repair the Houſe. *John Fitz-Nigel*, Foreſter of *Bernwood*, had, *in Dominico Boſci Domini Regis*, Huſebote & Heybote *pro cuſtodia dicta Foreſta.* Paroch. Antiq. pag. 209.

Hayward alias **Hayward**, Is a compound of two *French* Words, *viz. Haye* i. *Sepes*, and *Garde*, i. *Cuſtodia*, and ſignifies one that keepeth the common Herd of the Town; and the Reaſon may be, becauſe one Part of his Office is to look that they neither break nor crop the Hedges of encloſed Grounds: He is an Officer ſworn in the Lord's Court, and the Form of his Oath you may ſee in *Kitchin, fol.* 46.

Hazarders Are ſuch as play at *Hazard*, a Game at Dice ſo called; Hazard or *communis ludens ad falſos talos, adjudicatur quod per ſex dies in diverſis locis ponatur ſuper Colliſtrigium.* Inter plac. Trin. 2 H. 4 Suſſex 10.

Headborow, Derived from the Saxon *Head*, id eſt, *Caput*, & *Borge*, *i. Pignus*, ſignifies him that is Chief of the *Frank-pledge*, and him that had the principal Government of them within his own Pledge. And as he was called *Head-borow*, ſo was he alſo called *Burrow-head*, *Burſholder*, *Third-borow*, *Tithing-man*, *Chief-pledge* or *Burrow-elder*, according to the Diverſity of Speech in ſeveral Places. Of this ſee *Lambard* in his *Explication of* Saxon *Words*, *verbo* Centuria, and in his *Treatiſe of Conſtables*, and *Smith de Rep. Angl. lib. 2. cap.* 22. The ſame Officer is now called a *Conſtable.* See *Conſtable.* The *Headborough* was the Chief of the ten Pledges, the other nine were called *Handboroughs* or *Plegii manuales, i. e.* inferior Pledges. See *Fribourg.*

Head-pence Was an Exaction of 40 *li.* or more, heretofore collected by the Sheriff of *Northumberland*, of the Inhabitants of that County twice in ſeven Years, that is, every third and every fourth Year, without any Account made to the King, which was therefore by the Statute of 23 H. 6. *cap.* 7. clearly put out for ever. See *Common Fine.*

Head-Silver. See *Head-pence.*

Healfang or **Halsfang**, (*Colliſtrigium*) is compounded of two *Saxon* Words *Hals*, i. e. *Collum*, and *Fang*, *Captura*; *pœna ſcilicet, qua alicui collum ſtringatur*, (*Colliſtrigium*). See *Pillory.* But *Healfang* cannot ſignify a *Pillory* in the Charter of *Canutus de Foreſtis*, cap. 14. *Et pro culpa ſolvat Regi decem ſolidos quos Dani vocant* Halfehang. Sometimes 'tis taken for a pecuniary Puniſhment or Mulct, to commute for ſtanding in the Pillory, and is to be paid either to the King or to the Chief Lord, *viz. Qui falſum Teſtimonium dedit, reddat Regi vel terræ Domino* Halfeng. Leg. H. 1. cap. 11.

Healgemot. See *Halymot.*

Hearth-Money. See *Chimney-Money.*

Hebber-man, A Fiſherman below *London Bridge*, who fiſhes for Whitings, Smelts, *&c.* commonly at *Ebbing Water*, and therefore ſo called. Mentioned in *Art.* for the *Thames Jury*, printed 1632. *Stow* in his *Survey of London, pag.* 19. ſays, They are a Sort of Poachers, or unlawful, Catchers of Fiſh in the River of *Thames.*

Hebberthef, The Privilege of having the Goods of a Thief, and the Trial of him, within ſuch a Liberty. In a Charter of *Edward the Confeſſor* to the Abbey of St. *Edmund*——— *iſtas rectitudines videl.* Hamſokne, & Grithbrech, & Forſtoll, & Ferdwite, & Hebberthef, & Frithwite——— *Cartular. S. Edmundi. MS. fol.* 103.

Hebbing-wears, (mentioned in 23 *Hen.* 8. *cap.* 5.) Are Wears or Engines made or laid at *Ebbing-Water*, for taking Fiſh. *Quære.*

Hebdomadius, The Weeks-man, or Canon or Prebendary in a Cathedral Church, who had the peculiar Care of the Quire, and the Offices of it for his own Week——— *Gamaliel Clifton electus in Decanum* Hereford, 5 *Jul.* 1529. *Milo Ragon Prebendarius de Preſton fuit tunc* Hebdomadius, *eoque prætextu Capituli Preſidens*——— *Regiſtrum* Caroli Bothe *Epiſcopi* Hereford. *MS. penes Johannem Epiſc.* Norwic.

Hebdomas, A Week, derived from ἑπτὰ, ſeven; as *ſeptimana* from *ſeptem. Julius Cæſar* divided the Year into Twelve Months, each Month into four Weeks, and each Week into ſeven Days, according to the Number of the ſeven Planets. See more of this Matter at large, *Skene de verbor. ſignif. verbo* Hebdomas.

Heck is the Name of an Engine to take Fiſh in the River *Owſe* by *York*, *Anno* 23 *Hen.* 8. *cap.* 18. And *Heccagium*, which occurs in our Records, may be the Rent paid to the Lord of the Fee, for Liberty to uſe thoſe Engines.

Heda, A Hithe, or Port, a Wharf, or landing Place. As in this Charter of *Adelida*, Wife of King *Henry* 1.——— *Sciant præſentes & futuri quod Ego Adelid, Dei gratia Angloxum Regina, dedi Eccleſiæ de Radings unoquoque anno in Natali Domini centum ſolidos de* heda *mea ad faciendum anniverſarium Domini mei Regis Henrici, & volo & firmiter præcipio quod ipſi ſint primi centum ſolidi qui ſingulis annis exierint & haberi poterint de prædicta* heda *mea London, Teſt. &c.* Cartular. de Radings, MS. fol. 5. a.

Hedagium, Toll or Cuſtom paid at the *Hithe* or Wharf, for landing Goods, *&c.* from which cuſtomary Duties Exemption was granted by the King to ſome particular Perſons and Societies. ——*Sintque Abbas & Monachi de Radinges & homines eorum & res ipſorum quieti de* hedagiis *& theloneis & omnibus exactionibus & conſuetudinibus per totam Angliam.* Cartular. Abbatiæ de Radinges. MS. f. 7. a.

Hegilwite, the ſame with *Haybote.*

Heia. See *Hercia.*

Heimineum. *Salvo ſervitio quatuor hominum, quolibet tertio Anno per ſex dies ad meum* Heimineum *faciendum, apud Dodleſton.* Charta Hugonis de Boydel. temp. H. 2. It ſignifies an Hayment, or Hedge-fence.

Heinfare. See *Hinefare.*

Heir, *Hæres*, Though the Word be borrowed of the *Latin*, yet it hath not altogether the ſame Signification with us that it hath with the *Civilians*; for whereas they call *Hæredem, qui ex teſtamento ſuccedit in univerſum jus Teſtatoris*; the Common Law calls him *Heir*, that ſucceeds by Right of Blood in any Man's Lands or Tenements in Fee, for by the Common Law nothing paſſeth *Jure hæreditatis*, but only Fee; Moveables, or Chattels immovable, are given by Teſtament to whom the Teſtator liſteth, or elſe are at the Diſpoſition of the Ordinary, to be diſtributed as he in Conſcience thinketh meet. *Caſſanæus in conſuetud. Burg. pag.* 909. hath a Diſtinction of *Hæres*, which, in ſome Sort, accordeth well with our Law; for he ſaith, There is *Hæres ſanguinis & hæreditatis.* And a Man may be *Hæres ſanguinis* with us, that is, *Heir* apparent to his Father or Anceſtor; and yet may, upon Diſpleaſure, be defeated of his Inheritance, or at leaſt the greateſt Part of it. Every *Heir* having Lands by Deſcent, is bound by the binding Acts of his Anceſtors, if he be named: For *Qui ſentit commodum, ſentire debet & onus.* Co. on Lit. f. 7, 8.

Laſt-heir. See *Laſt.*

Heir-loom, (of the Saxon *Heier*, i. e. *Hæres*, and *Leome*, i. e. *Membrum*) The Word by Time hath a more general Signification than at firſt it did bear, comprehending all Implements of Houſhold, as Tables, Preſſes, Cupboards, Bedſteads, Wainſcot, and ſuch like; which, by the Cuſtom of ſome Countries, having belonged to a Houſe certain Deſcents, are never inventoried after the Deceaſe of the Owner, as Chattels, but accrue to the *Heir* with the Houſe it ſelf by Cuſtom. *Spelman* ſays of it, *Omne uteníile robuſtius quod ab ædibus non facile revellitur, ideoque ex more quorundam loccrum ad hæredem tranſit, tanquam membrum hæreditatis.* And *Co. on Lit. fol.* 18. ſays, *Conſuetudo Hundredi de* Stretford *in* Com. Oxon. *eſt quod hæredes tenementorum infra Hundredam prædictam exiſten. poſt mortem anteceſſorum ſuorum habebunt, &c. Principalium, Anglice an* Heyre-loom, *viz. de quodam genere catallorum, uterſilium, &c. optimum plauſtrum, optimam carucam, optimum cyphum, &c.*

Heinfare alias Hine-fare, *Diſceſſio famuli a Domino.* The Word is compounded of *Hine*, a Servant, and *Fare*, an old *Engliſh* Word ſignifying a Paſſage.

Hegira, The Mahometan *Æra*, or Computation of Time, beginning from the Flight of *Mahomet* from *Rome*, which was, *July* 16. *Anno Chriſti* 622.

Hena, *Servitium*, Inter placita de temp. Jo. Regis, *Northampton* 50.

Helfling, A Braſs Coin among the *Saxons*, equivalent to our Half-penny.

Helm, Thatch or Straw. *Inter antiquas conſuetudines Abbatiæ de S. Edmundo——— in villa de Herdwyke——— Cuſtumarius triturabit & mundabit pro quolibet opere dimidiam ſummam de quolibet genere bladi per menſuram grangiarum——— & habebit in receſſu ſuo quando triturat ad grangias ad quodlibet opus quantum poſſit ſemel colligere de foragio tunc triturato cum raſtello, & dicitur* helm. Ex Cartular. S. Edmundi. MS. f. 321.

Helowe-wall, The *Hell-Walls*, or End-wall, that covers and defends the Reſt of the Building. From Saxon *Helan*, to cover or heal, whence a Thatcher, Slater, or Tiler, who covers the Roof of a Houſe, is in the Weſtern Parts called a *Hellier.* ——— *Inſolutis eidem Dominæ pro quodam* Helowe-wall *unius domus apud Carthyngton annuatim* 11 *den.* Paroch. Antiq. p. 573. The *Hollen* in the North is a Wall ſet before Dwelling Houſes to ſcecure the Family from the Blaſts of Wind ruſhing in when the Heck or Door is open: To which moſt on that Side next the Hearth or Chimney is affixt a Screen of Wood or Stone. See Mr. *Kennet's Gloſſary.*

Hem. The Ovens wherein the *Lapis Calaminaris*, or *Calamine* is baked, have a Hearth made on one Side of the Oven, divided from the Oven it ſelf by a Partition open at the Top, by which the Flame paſſes over, and ſo heats and bakes the *Calamine.* This Partition is called the *Hem* in *Somerſetſhire.*

Henchman, *Qui equo innititur belliceſo*, From the German *Hengſt*, a War-Horſe: With us it ſignifies one that runs on Foot, attending upon a Perſon of Honour or Worſhip, *Anno* 3 *Edw.* 4. *cap.* 5. and 24 *Hen.* 8. *cap.* 13. It is written *Henxman*, *Anno* 6 *Hen.* 8. *cap.* 1.

Henedpeny, A cuſtomary Payment of Money inſtead of Hens at *Chriſtmas:* From the Saxon *Hen, Gallina*, and *Penning, denarius. Sint quieti de chevagio &* Henedpeny, *& Buckſtall & triſtris, &c.* Monaſt. 2 Tom. 827. In a Charter of *Edw.* 3. confirming many Privileges to the Priory of *Pulton*, 23 *Edw.* 3.——*quieti ſint de——— fengeldis, hornegeldis, & penygeldis, & Thenedirypeny, Hundredirſpeny, & de Meskennyng, & de chevagio, &* henedpeny, *& Buceſtall, & triſtris,*——— Mon. Angl. tom. 2. pag. 327. a. *Du Freſne* thinks it may be *Hen-peny, gallinagium*, or a Compoſition for Eggs. But poſſibly it is miſprinted *Heneed-peny* for *Heved-peny*, or Head-peny.

Heneward, A Duty to the King in *Cambridgeſhire. Domeſday.*

Henfare, An Amerciament for Flight for Murder. *Domeſday.*

Henghen, (Saxon *Hengen*) A Priſon, Gaol or Houſe of Correction. *Si quis amicis deſtitutus, vel alienigena, ad tantum laborem veniat, ut amicum non habeat, in prima accuſatione ponatur in* Hengen, *& ibi ſuſtineat donec ad Dei judicium vadat.* LL. Hen. 1. cap. 65.

Hengwite, *Significat quietantiam miſericordiæ de Latrone ſuſpenſo abſque conſideratione.* Fleta, lib. 1. cap. 47. See *Hankwit.*

Heordfeſte, The ſame with *Huſfeſtane, i. e.* the Maſter of a Family: From the Saxon *Heorphfæſt, i. e.* fixed to the Houſe or Hearth: *Non ſit aliqua liberorum rectitudine dignus, ſit* Heordfeſte, *ſit ſolgarius, ſit in Hundredo & in Plegio conſtitutus.* Leges Canuti, cap. 40. See *Hurdereferſt.*

Heordpenny, *Olim* Romeſcot *& poſtea* Peter-Pence: From the Saxon *Heorth, focus*, and *Pening, denarius.* See *Peter-pence* and *Romeſcot.*—— *Omnis* heordpeni *reddat ad Feſtum S. Petri, & qui non perſolveret ad terminum illum deferat eum Romæ.* Leges Edgari Regis, cap. 5. *apud* Bromptonum.

Herald, Heralt or Harold, Italian *Heraldo*, Fr. *Herault, quaſi* herus *altus. Verſtegan* thinks it may be derived from two *Dutch* Words, *viz. Here, exercitus*, and *Healt, pugil magnanimus:* As if he be called, *The Champion of the Army.* With us it ſignifieth an Officer at Arms, whoſe Buſineſs is to denounce War, to proclaim Peace, or otherwiſe be employed by the King in martial Meſſages, or other Buſineſs: The *Romans* called them plurally *Feciales. Polydore, lib.* 19. deſcribes them thus,

thus, *Habent insuper Apparitores ministros, quos* Heraldos *dicunt, quorum præfectus Armorum Rex vocitatur; hii belli & pacis nuntii; ducibus, Comitibusque a Rege factis insignia aptant, ac eorum funera curant.* Nay more, They are the Judges and Examiners of Gentlemens Arms, marshal all the Solemnities at the Coronations of Princes, manage Combates, and such like: There is one and the same Use of them with us and the *French*, whence we have their Name; and what their Office is with them, see *Lupanus, lib.* 1. *de Magist. Francor. cap.* Heraldi. There be divers of them with us, whereof three being the Chief, are called *Kings at Arms.* And of them *Garter* is the Principal, instituted and created by *Henry* the Fifth, *Stow's Annals*, p. 584. whose Office is to attend Knights of the Garter at their Solemnities, and to marshal the Funerals of all the greater Nobility; as Princes, Dukes, Marquesses, Earls, Viscounts and Barons. And in *Plowden*, in *Reniger* and *Fogassa's* Case, we read that *Edward* the Fourth granted the Office of King of *Heralds* to one *Garter, Cum feudis & proficuis ab antiquo, &c. fol.* 12. The next is *Clarentius*, ordained by *Edward* the Fourth, for he attaining the Dukedom of *Clarence*, by the Death of his Brother *George*, whom he beheaded for aspiring to the Crown, made the *Herald*, which properly belonged to the Duke of *Clarence*, a King at Arms, and called him *Clarentius*; his proper Office is to marshal and dispose the Funerals of all the lesser Nobility, as Knights and Esquires, through the Realm, on the South Side of *Trent*. The third is *Norroy*, or *North-roy*, whose Office is the same on the North-side of *Trent* that *Clarentius* hath on this Side, as may well appear by his Name, signifying the northern King, or King of the North-parts. Besides these, there be six other properly called *Heralds*, according to their Original, as they were created to attend Dukes, *&c.* in martial Expeditions, *viz. York, Lancaster, Somerset, Richmond, Chester* and *Windsor.* Lastly, there be four other called *Marshals*, or *Pursuyvants at Arms*, reckoned after a Sort in the Number of *Heralds*, and do commonly succeed in the Place of the *Heralds*, when they die, or be preferred; And those he *Blue-mantle, Rouge-cross, Rouge-dragon* and *Portcullis.* These *Heralds* are by some Authors called *Nuncii sacri*, and by the ancient Romans *Feciales*, who were Priests. *Nam Numa Pompilius divini cultus institutionem in octo partes divisit, & ita etiam sacerdotum octo ordines constituit, &c. Septimam partem sacræ constitutionis collegio eorum adjecit, qui* Feciales *vocantur: Erant autem ex optimis domibus viri electi, &c. quorum partes in eo versabantur, ut fidei publicæ inter populos præessent, neque justum aliquod bellum fore censebatur, nisi id per* Feciales *esset indictum.* Corasius Miscel. juris civilis, lib. 1 cap. 16. num. 12. Kings at Arms are mentioned in Stat. 14 *Car.* 2. 33. Of these, see more in *Spelman's Glossary.*

Herbage, *Harbagium*, Signifies the Fruit of the Earth, produced by Nature for the Bite or Mouth of the Cattle; but is most commonly used for a Liberty that a Man hath to feed his Cattle in another Man's Ground, as in the Forest, *&c. Cromp. Jur. fol.* 197. *Occurrit frequens pro jure depascendi alienum solum ut in Forestis*, says the learned *Spelman.*

O *Mnibus* —— *Hugo de Logiis salutem. Sciatis me dedisse Thomæ de Erdyngton totam terram meam de* Alfledemore *cum pertin' Reddendo inde annuatim sex sagittas barbatas ad festum St. Mich. Salvo mihi & Marg. uxori meæ, quod nos in prædicta terra habebimus* Liberum Herbagium *ad custum nostrum nobis & omnibus hominibus nostris de familia nostra transeuntibus, &c.* Sine Dat. Penes Will. Dugdale Arm.

Herbagium anterius, The first Crop of Grass or Hay in Opposition to After-Math and second Cutting —— *Dicunt quod est communis via, & sua communis pastura, quum fœnum & anterius* herbagium *amoveantur.* Antiq. Parochial, pag. 459.

Herbery, An Inn: From the Saxon *Her, Hic* and *Bergen, abscondere*; or from *Here, exercitus*, and *Bergen, tegere*; *hinc* Hereberga *significat Castra.*

Herberger, From the French *Herberger*, that is, *Hospitio accipere*, signifieth an Officer in the King's House, that allotteth the Noblemen, and those of the Houshold their Lodgings. *Kitchin, fol.* 176. uses it for an Inn-keeper.

Herbergagium. *Peter de Marton* gave the Monks of *Blyth Abbey* Timber to make *Herbergagia*, *i. e.* Lodgings to receive Guests in the Way of Hospitality, *ut opinor.*

Herbergatus, *Volo etiam quod Burgenses mei molent omnia blada sua super terram de Altringham crescentia, vel in eadem Villa* Herbergata, *ad molendina mea, pro octavo decimo vase multuræ.* Charta Hamonis de Massy, sine dat. i. e. *Hospitio expensa*, spent in an Inn.

Herbigere, Herebigere, To harbour, to entertain, from *Heribergum, Heriberga.* Saxon *here berg*, a House of Entertainment —— *Ballivi præceperunt civibus sufficientiam domorum ad* herbigandum *& ad hospitandum populum* —— *in anno Jubilæo apud Cantuariam* 1420. Somner's Antiq. p. 248. Hence our *Herbinger*, or *Harbinger*, who provides Harbour or House-room, *&c.*

Herburgeis, *i. e.* Inn-keepers.

Herce, A Harrow, Lat. *Hercia. Fleta, lib.* 2. *cap.* 77. *Carucas & Hercias reparare*, and in *Domesday, per Gale, fol.* 760. *Habet Rex, &c. unum jugum de ora & unum jugum de* Herce.

Herciare, (from the French *Hercer*, to Harrow) *Arabant &* Herciabant *ad Curiam Domini, i. e.* They did plough and harrow at the Manor of the Lord. 4 *Inst. fol.* 270.

Hercia. The same with *Herce*; it signifies also a Candlestick set up in Churches, made in the Form of an Harrow; in which many Candles were placed. *Die sepulturæ & die mensis, & pro corpore ficto, i. e. Cenotaphium, cum* Hercia, *i.e. Candalabro in* Hereiæ *modum confecto*, which was filled with several Candles, and placed *ad caput Cenotaphii.*

Herculis Promontorium, *Hertly Point* in *Devonshire.*

Herdewich or **Herdewic**, (*Herdewycha*) a Grange or Place for Cattle and Husbandry. *Et unam* Herdewycham *apud Hethcotun in Peco, &c.* Mon. Angl. 3 part. fol.

Herdwerch, Herdwerch, Herdsman's Work, or customary Labours done by the Shepherds, Herdsmen, and other inferiour Tenants at the Will of their Lord. —— *Cum autem in boscis nostris aliqua succiderimus, licebit eis sine aliquo ferramento vel aliquo ustilio succibili intrare, & ramalia quæ de toyvede remanserint, quæ Anglice* Spren *dicuntur, colligere. Hæc siquidem habent pro opere quod Anglice*

Anglice Herdwe reh *dicitur, pro quo in Autumpno metant per unamquamq; familiam aut dimidiam acram ordei aut virgatam & dimidiam frumenti, aut tantundem avenæ.*—— *Anno* 1166. Regiſt. Eccleſiæ Chriſti, Cant. MS.

Herebote, The King's Edict, commanding his Subjects into the Field: From the Saxon *Here, exercitus*, and *Bode*, a Meſſenger.

Herecumba, Hercumba.—— *Treſdecem acras & dimidiam terræ verſus* hercumbam *de dominico meo*—— *in* hercumba *de dominico meo* xii. *acras & dimidiam*—— Cartular. Abbat. Glaſton. MS. fol. 36. a. It is in other Parts of the ſame *Chartulary* called *Hertcumba*, and *Hertcumbalida*.

Hereditaments, *Hæreditamenta*, Signify all ſuch Things immoveable, be they corporeal or incorporeal, as a Man may have to himſelf, and his Heirs, by Way of Inheritance; (See 32 *H.* 8. *cap.* 2.) or not being otherwiſe bequeathed, do naturally, and of Courſe deſcend to him which is next Heir of Blood, and fall not within the Compaſs of an Executor or Adminiſtrator as Chattels do. It is a Word of large Extent, and much uſed in Conveyances; for by the Grant of *Hereditaments*, Iſles, Seigniories, Manors, Houſes and Lands of all Sorts, Charters, Rents, Services, Advowſons, Commons, and whatever may be inherited, will paſs. *Co. on Lit. fol.* 6. Hæreditamentum *eſt omne quod jure* hæreditario *ad* hæredem *tranſeat.* Hæreditamenta *corporea* (according to Jndge *Doderidge*) are Revenues local, and of annual Value. *Hiſt. of Wales, f.* 90

Herefare, (Saxon) *Profectio militaris & expeditio.* See *Subſidy.* A military Expedition, a going to Warfare.

Heregeat or **Hereget**, *Dicitur juſta relevatio, Anglice* Hariot. MS. in Bibl. Cotton. ſub Tit. *Vitellius.* C. 9. See *Hariot.*

Heregeld, (Saxon) *Pecunia ſeu tributum alendo exercitui collatum.* A Tribute or Tax levied for the Maintenance of an Army. See *Subſidy.*

Hereſlus, A Sort of little Fiſh, perhaps Minows, or rather Gudgeons—— *Slathwere reddit tria millia anguillarum & unum mille ex* herellis, *& ſunt* xxviii *virgatæ terræ.*—— Chartular. Glaſton. MS. f. 39.

Herenach, An Archdeacon.

Herenomes alias **Hereteams**, One who follows an Army of Rebels. *Lamb. Leges Inæ, cap.* 15. *In exercitu prædatorum, &c.* from *Here, exercitus*, and *Team, ſequela.*

Hereſchild, The ſame with *Seutage.*

Hereſſita or **Hereſta**, or **Hereſtiz**, Denotes a hired Souldier, that departs without Licence, derived from the Saxon *Here, exercitus*, and *Sliten*, to depart, according to *Co.* 4. *Inſt. fol.* 128. whom I rather incline to follow, than him who would inſtead of *Sliten*, to depart, put in *ſlitan, ſcindere.*

Heretaynes, The ſame with *Herenames.*

Heretico comburendo. See *Hæretico comburendo.*

Heretoche, The General of an Army: From the Saxon *Here, exercitus*, and *Togen, ducere*; but the *Herotochi* were the Barons of the Realm, and inferior to Earls and Viſcounts. *Interſunt Epiſcopi Comites, Vicecomites*, Heretochii, *Trithingrævi, Ledgrevi.* Leg. H. 1. Du Cange.

Heretochias, A Leader or Commander of military Forces: See at large the Name and Office in the Laws of *Edward the Confeſſor.* cap. 35. De Heretochiis.

Heretum, A Court or Yard for drawing up the Guards or military Retinue, which uſually attended our Prelates and Nobility.—— *Thomas Langley Epiſcopus Dunelmenſis apud manerium de Houldon conſtruxit totas portas occidentales opere cæmentario, per quas tranſierint ad* heretum *vel pomarium.* Hiſt. Dunelm. apud Whartoni Angl. Sac. Pars 1. pag. 776.

Herga, a *Harrow.*

Hergripa, Pulling by the Hair; from the Sax. *Hær, capillus*, and *Grypan, capere: Si quis aliquem per capillos arripiat, tantum emendat quantum de uno Colpo faceret, id eſt, quinque denarios de* Heregripa. Leg. H. 1. cap. 94.

Herigaldus, A Sort of Garment ſo called: *Capas autem deferant clauſas Sacerdotes, & perſonatum habentes ubique, & non amplius utantur* Herigaldis.

Hering-ſilver, It ſeems to be a Compoſition in Money, as an Equivalent for the Cuſtom of paying ſo many Herrings, for the Proviſion of a religious Houſe.—— *Eſt quædam conſuetudo in villa de wylegh ubi villani tenentes debent ſolvere quilibet pro tenemento ſuo* Hering-ſilver, *ſcil.* 1. *den. ob. Abbati de Colecheſter.* Placita *Term. S. Trinit.* 18 Edw. 1.

Heriot. See *Hariot.* See *Pretium ſepulchri.*

Herireit, *Idem ut Herenames:* From the Saxon *Here*, an Army, and *Rit, agmen*, which we call Rout.

Heriſchild, Military Service, or Knight's Fee: From the Saxon *Here*, an Army, and *Scyld, ſcutum.*

Heriſhit, Laying down of Arms: From the Sax. *Here, exercitus*, and *Slitan, ſciſſura.*

Heriſcindium, A Diviſion of Houſhold Goods: *Non toties fieri placet* Hereſcindia *mecum, i. e.* I am not pleaſed ſo often to divide my Goods.

Heriſtall, A Caſtle, from the Saxon *Here*, an Army, and *Stall, ſtatio.*

Hermer, *i. e.* A great Lord: From the Saxon *Hera, Major*, and *Mære, dominus.* Du Cange.

Herminus, *i. e. Mus Ponticus*, A Mouſe of whoſe Skins we have *Ermine.*

Hermitage, (*Hermitagium*) The Habitation of a *Hermite*, a ſolitary Place. *Vulgariter autem locus iſte a laicis* Heremitagium *nuncupatur, propter ſolitudinem; non quod* Heremita *aliquis aliquo tempore ibidem ſolebat converſari.* Mon. Angl. 2 par. f. 339. b.

Hermitorium Is by ſome Authors confounded with *Hermitagium*; but I have ſeen it diſtinguiſhed, to ſignify the Chapel or Place of Prayer, belonging to an *Hermitage*, for I find in an old Charter, *Capella ſive* Hermitorium. *Erimitorium in boſco D. Ducis petiit, ibique domum hanc aliquanto tempore coluit.* Knighton. lib. 5.

Herneſens, Herons. *Univerſis, &c. Willielmus Permiſſione divina, Prior Elien. & Com. &c. Noveritis me conceſſiſſe Willielmo Seman*—— *Cum proficuo pannagii & avium vocat.* Hereneſens, *in dicto parco nidificantium*—— *Salvis nobis duobus cowpellis de* Herneſens, *&c. dat.* 1 *Maii, anno* 19 *Hen.* 6. Ex Cartular. Eccleſiæ Elienſis, penes Joh. Epiſcop. Norwic. MS. f. 33.

Herneſium, Anciently uſed for the Tackle or Furniture of a Ship. *Cepit etiam in prædicta navi* Herneſia *ad navem illam ſpectantia.* Pl. Parl. 22. Edw. 1.

Herneſium, Hernaſium, From the Teuton. *Harnas*, Engliſh *Harneſs.* It ſignified any Sort of Furniture of a Houſe, Implements of Trade, or Rigging of a Ship.—— *Menſa principalis, ubi Archiepiſcopi comedere ſolent, adeo ſe cœpit ſubito excutere, quod* Herneſium *eorum totum, ſellas ſcilicet,*

& *clitellas*, & *cætera suppositia ad terram cum magno fragore dejecerat.* Girald. Cambr. *apud* Whartoni *Angl. Sacr. Pars* 2. *p.* 425. —— *Unam largam portam ad currus & carectas* —— & *unam portum ad latitudinem octo pedum ad summagia &* hernasia *ducenda in venella inter domum, &c.* Mr. *Izack*'s Antiquities of Exeter, p. 24. —— *Walterus Hobbe cepit quandam navem, & in prædicta navi* hernesia *ad navem illam spectantia, ad valentiam centum solidorum.* Placita Parliament. *anno* 22 *Ed.* 1. It was an Oversight in Sir *Henry Spelman* to write the Word from *Fitzherbert*, fol. 94. *Herveſium* instead of *Herneſium*: Which made him unable to give any Explication of it.

Heroudes, the same with *Heralds*: *Et assistebant eis quatuor duces, &c. bene ad æstimationem* Heroudes, *&c.* Knighton, *p.* 2571.

Herpsa, A Place of Immunity. See *Fredmortel.*

Hertship, *idem ut* Herischild.

Hersia. See *Hercia.*

Hesia. *Usque ad quandam* Hesiam *ante Messuagium Will. Warin.* Charta Antiq. The Word signifies an Easement: *Ascendendo per veterem sepem, & sic per vetus fossatum & haiiſiam usque ad* Hesiam *extra boscum.* Du Cange, *in verbo Aisea.*

Hesta or **Hestha**, (a Corruption of the Lat. *Hesta*) a little Loaf of Bread. *Domesday.* See *Rusea.*

Hest-corn, *In redeundo vero Rex* Athelstanus, *post peractam victoriam, declinavit per Ebor. versus* Beverlacum, *ac nonnullas possessiones redimendo, Cultellum per eum ibi depositum, dedit Deo & glorioso Confessori* Johanni *prædicto, ac septem Presbyteris ibidem Deo servientibus. Quasdam avenas, vulgariter dictas* Hest-corn, *percipiendas de Dominiis & Ecclesiis in illis partibus, quas Ministri dictæ Ecclesiæ usque in præsens percipiunt pacifice & quiete.* Mon. Angl. 2 par. f. 367. b.

Hestha, a Capon or young Cockerill: *Quando Rex ibi veniebat, reddebat ei unaquæque carucata* 200 Hesthas. Domesday. Tit. Cestre.

Heuch. *idem quod* Hedge.

Heubelborth, a Surety. From the Sax. *Healf*, *Dimidium*, and *Borgh*, *debitor*, *vel fidejussor. Quia qui fidejubet, debitorem se quodammodo constituit.* Du Fresne in verbo.

Hexam. Anciently *Haguſtald* and *Hargulſtad*, was formerly a County of it self, and a Franchise, where the King's Writ went not: But by the Statute of 14 *El. cap.* 13. *Hexam* and *Hexamshire shall be within the County of* Northumberland. See 4 *Inst. f.* 22. It was also of old a Bishoprick by the Name of *Episcopatus Hugustaldensis.* See *Mon. Angl.* 2 *par. fol.* 91. See *Axelodunum.*

Heybote. See *Haybote.*

Heylode. —— Rogerus *Prior & Conventus Ecclesiæ Christi* Cantuar. *quietos clamant Magistrum & Fratres Hospitalis S. Mariæ de* Ospreng, *& eorum Successores de consuetudinibus subscriptis, videlicet, de arura, de Hatewite. Ripselver, Wadelade,* Heylode *Averselver, Lambselver, & tribus busellis ordei, quæ consuetudines nobis fieri solent in curia nostra de* Adesham. —— *dat mense Febr.* 1242. Registr. Ecclesiæ Christi Cantuar. *MS. penes* Joh. Norwic. *Episcopum*, where *Heylode* seems to signify a customary Load or Burden laid upon the inferior Tenants for mending or repairing the *Heys* or Hedges.

Heymectus, A Net for catching Conies, a Hay or Hey-Net —— *Omnia Placita de leporibus, rechibus,* Heymectis, *Tessonibus, vulpibus, murilegis & perdicibus, & omnia amerciamenta de Escapiis animalium* —— *temp.* Edw. III. —— M. Blount. —— who confesses his Ignorance of the Meaning of *Heymectus.*

Hidage, or **Hydage**, (*Hydagium*,) was an extraordinary Tax payable anciently to the King for every *Hide* of Land. *Bracton, lib.* 2. *cap.* 6. writes thus of it: *Sunt etiam quædam communes præstantiones, quæ servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenerit, vel cum Rex vererit; sicut sunt* Hidagia, Corogia, & Carvagia, *& alia plura de necessitate, & ex consensu communi totius regni introducta, & quæ ad Dominum feudi non pertinent, &c.* King *Æthelbred*, in the Year of *Christ* 994. when the *Danes* landed at *Sandwich*, taxed all his Land by *Hides*: Every 310 *Hides* of Land found one Ship furnished, and every 8 *Hides* found one Jack, and one Saddle, for Defence of the Realm. *Willielmus Conquestor de unaquaque* Hida *per Angliam sex solidos accepit.* Floren. Wigorn. in anno 1084. Sometimes *Hidage* was taken for the being quit of that Tax; which was also called *Hyde-gyld.*

Hide and **Gain** did anciently signify arable Land. *Coke on Littl. fol.* 85. b. For of old, to *Gain* the Land was as much as to till it. See *Gainage.*

Hidelands, (Sax. *Hydelander.*) *Terræ ad Hydam seu tectum pertinentes.*

Hide of Land, (Sax. *Hyde-Lands*, from *Hyden*, *Tegere.*) *Tanta fundi portio quanta unico per annum coli poterat aratro; vel quæ familiæ uni sustentandæ sufficeret.* A Plough-Land. In an old Manuscript it is said to be 120 Acres. *Bede* calls it *Familiam*, and says it is as much as will maintain a *Family.* Others call it *Mansum*, *Manentem*, *Casatam*, *Carucatam*, *Sullingam*, *&c. Crompton*, in his *Jurisdict. f.* 222. says a *Hide of Land* contains one hundred Acres, and eight *Hides* make a Knight's Fee. *Hida autem Anglice vocatur terra unius aratri cultura sufficiens per annum.* Henry Hunting. Hist. lib. 6. f. 206. b. But Sir *Edw. Coke* holds, That a Knight's Fee, a *Hide* or Plough-Land, a Yard-Land, or Oxgang of *Land*, do not contain any certain Number of Acres. On *Littl. f.* 69. The Distribution of *England* by *Hides of Land* is very ancient; for there is Mention of them in the Laws of King *Ina*, *c.* 14. *Henricus* I. *maritandæ filiæ suæ gratia Imperatori, cepit ab unaquaque* Hida *Angliæ tres sol.* Spelman. And see *Cam. Brit. fol.* 158.

Hidel (*Anno* 1 *H.* 7. *c.* 6.) signifies a Place of Protection, or a Sanctuary.

Hidgild (*in LL. Canuti R.*) *exponitur pretium redemptionis aut manumissionis servi.* From the Sax. *Hide*, *i. e.* the Skin, and *Gild*, *pretium*, *i. e.* the Price by which he redeemeth his Skin, that is, redeemed it from being whipped. *Si liber festis diebus operetur, perdat libertatem; si servus, corium perdat vel* Hidgildum, *i. e.* Let him be whipped; which was the Punishment for Servants. *Vel Hidgildum*, *i. e.* Let him pay for his Skin; by which Payment he is to be excused from Whipping. See *Hudegeld.*

Hierloom. See *Heirloom.*

Hiis testibus, These Words were anciently added in Deeds after the *In cujus rei testimonium*, and written with the same Hand as the Deed, which Witnesses were called, the Deed read, and then their Names entred: And this Clause of *hiis testibus* in Subjects Deeds continued till the Reign of *Hen.* 8. but now is quite left off. *Co.* on *Litt. fol.* 6.

Hindeni homines, a Society of Men; from the Sax. *Hindene*, *Societas*: For in the Time of our *Saxon* Anceſtors all Men were ranked into three Claſſes, the *Loweſt*, the *Middle*, and *Higheſt*, and were valued according to the Claſs they were in; that is, if any Injury was done, Satisfaction was to be made according to the Value or Worth of the Man to whom it was done. The *Loweſt* were thoſe who were worth ten Pounds, or two hundred Shillings, and they were called *Viri ducenteni*, or *Twyhindemen*, and their Wives *Twyhinda's*; the *Middle* were valued at ſix hundred Shillings, and were called *Sixhindemen*, and their Wives *Sixhinda's*; the *Higheſt* were valued at twelve hundred Shillings, and were called *Twelfhindemen*, and their Wives *Twelfhinda's*. *Bromp. Leg. Alfredi cap.* 12, 30, 31, 32. See *Twihindi* and *Twelvehindi*.

Hine, (*Sax.*) a Servant, or one of the Family: But it is now taken in a more reſtrictive Senſe, for a Servant at Husbandry; and the *Maſter-hine*, he that overſees the Reſt. *Anno* 12 *R.* 2. *cap.* 4.

Hinefare, or Heinfare, (from the Sax. *Hine*, a *Servant*, and *Fare*, a *Going* or *Paſſage*,) the Loſs or Departure of a Servant from his Maſter. *Si quis occidit hominem Regis & facit* Heinfaram, *det Regi* xx s. *&c.* Domeſday, Tit. *Arcenfeld.* So in *Domeſday*, *Qui pacem Regis, &c. centum ſol. emendabat & tantundem dabat qui Foreſtell vel* Heinfare *faciebat.* Hiſt. Angl. Scriptores, a Dr. Gale, fol. 772.

Hine-geld *Significat quietantiam tranſgreſſionis illatæ in ſervum tranſgredientem. MS. penes Arth. Trevor*, Arm.

Hireiſcunda, The Diviſion of an Inheritance among the *Heirs. Goldm. dict. Actio* Hireiſcundæ. See *Action mixt.*

Hird, *Domeſtica vel intrinſeca familia.* Inter pla. Trin. 12 *E.* 2. Ebor. 48. *MS.*

Hireman, a Subject. From the Sax. *Hiran*, *Obedire.* But I rather think it ſignifies one who ſerves in the King's Hall, to guard him. From the Sax. *Hird*, *Aula*, and *Man*, *homo.* Du Cange.

Hirneſſa. See *Overhirniſſa.*

Hirſt, or Hurſt, a little Wood. *Domeſday.*

Hithe. See *Hythe.*

Hlafordſocna, the Lord's Protection. From the Sax. *Halford*, *Dominus*, and *Socn*, *libertas. Nec Dominus homini libero* Hlafordſoenam *prohibeat.* Leg. Adelſtan, cap. 5.

Hlafoerner, the Benefit of the Law. From the Sax. *Laga*, *Lex*, and *Socn*, *libertas.*

Hloth, an unlawful Company, from ſeven to thirty-five. *Qui de* Hloth *fuerit accuſatus, abneget per centum viginti hidas, vel ſic emendet*; that is, He who is accuſed for being at an unlawful Rout, let him purge himſelf *tot Sacramentatibus quot is qui* 120 *hidas æſtimatur*; or, Let him clear himſelf by a Mulct, which is called *Hlothbota.*

Hlothbote, a Mulct ſet on him who is in a Riot. From the Sax. *Hloth*, *Turma*, and *Bote*, *Compenſatio.*

Hoaſt-Men, An ancient Gild or Fraternity at *Newcaſtle* upon *Tine*, who dealt in Sea-coal, mentioned Stat. 21 *Jac.* 1. *c.* 3.

Hobelers, or Hobilers, (*Hobelarii*) *Erant milites gregarii, levi armatura & mediocri equo, ad omnem motum agili, ſub Edwardo* 3. *in Gallia merentes. Dicti* (*ut reor*) *vel ab iſtiuſmodi equo*, an Hobby *appellato, vel potius a Gal.* Hobille, *Tunica. Tabulæ claſſes deſcribentes in exercitu ejuſdem Edwardi* Caletem *obſidentes, Anno* 1350. *ſic habent. Sub Comite Kildariæ, Bannerets* 1, *Knights* 1, *Eſquires* 38, Hobilers 27, *&c.* Theſe were Light Horſemen, or certain Tenants, who, by their Tenure, were bound to maintain a little light Nag for certifying any Invaſion, or ſuch like Peril, towards the Sea-ſide, as *Portſmouth*, *&c.* Of which you may read 18 *E.* 3. *Stat.* 1. *c.* 7. and 25 *ejuſdem*, *Stat.* 5. *cap.* 8. and *Cam. Britan. fol.* 272. *Duravit vocabulum uſque ad ætatem* H. 8. ſays *Spelman. Gentz darmes &* Hobelours. See *Prin's Animad. on* 4 *Inſt. fol.* 307. *Hobeleries*, Rot. Parl. 21 E. 3. Sometimes the Word ſignifies thoſe who uſed Bows and Arrows, *viz. Pro warda maris tempore guerræ, pro* Hoberariis *ſagittariis inveniendis, &c.* Thorn. Anno 1364. So in the *Monaſtic. Pro munitione & apparatibus hominum ad arma* Hobelariorum *ſagittariorum.*

Hoccus ſalis, It ſeems to be a *Hoke*, hole, or leſſer Pit of Salt. ——— *In which habuit Rex Edwardus domus* xi. *& in* v. *plateis habebat Rex E. ſuam partem. In tepewick puteo* Liv. *ſaline & ii.* hocci *reddunt* vi. *ſol. & viii. denar. In alio puteo Helperis* xvii. *ſalinæ. In tertio puteo* Midelmic xii. *ſalinæ & ii. partes de* i. hocco *reddebant* vi. *ſolidos & viii. denarios.* ——— Ex Libro Domeſday, Worceſterſhire.

Hocketto, or Hocqueteur, is an old *French* Word for a Knight of the Poſt, a decayed Man, a Basket-carrier. 3 *Part. Inſt. fol.* 175. *Que nul enquerelant neu reſpoignant ne ſoit ſurpris neu cheſon per* Hockettours, *parent que la verite ne ſoit enſue.* Stat. Ragman.

Hock-Tuesday-Money, Was a Duty given to the Landlord, that his Tenants and Bond-Men might ſolemnize that *Day* on which the *Engliſh* maſtered the *Danes*, being the ſecond *Tueſday* after *Eaſter*-Week. See Mr. *Philip's Miſtaken Recompence*, fol. 39.

Hoga, Hoggia, Hogium, Hoch, a Mountain or Hill. From the Germ. *Hoogh*, *altus*; or from the Sax. *Hou*, *Mons*, the *g* being changed into *u. Edwinus invenit quendam collem &* Hogam *petroſam, & ibi ædificavit quandam villam quam vocavit* Stanhogiam, *poſtea* Stanhow, *i. e. Montem lapidoſum.* Du Cange.

Hogaſter, a little Hog. *In legibus Foreſtar. Scotic. cap.* 7. *Iſte eſt modus pannagii*, viz. *De qualibet cindra*, i. e. *de decem porcis, Rex habebit meliorem porcum, & Foreſtarius unum* Hogaſtrum. It ſignifies alſo Sheep. *Tertium ovile pro* Hogaſtris *annatis & juvenibus.* Fleta, lib. 2. cap. 79.

Hogenhine, rectius, Agenhine, *i. e. Servus proprius, i. e.* Third Night own Servant, Is he that comes Gueſtwiſe to an Inn or Houſe, and lies there the third Night, after which he is accounted of his Family in whoſe Houſe he lieth; and if he offend the King's Peace, his Hoſt muſt be anſwerable for him. *Bracton, lib.* 3. *tract.* 2. *c.* 10. In the Laws of *Ingulphus*, ſet forth by *Lambard*, he is called *Agenhine*, where you may read more of this Matter. Vide *Third-night-awne hine.*

Hoggacius, Hoggaſter, A Sheep of the ſecond Year. ——— *Agni primo computo poſtquam nati ſunt* Agni *vocantur ſecundo anno* Hoggaſtri. *Et conjunguntur multones cum multonibus, & hurtardi cum hurtardis, & femellæ cum ovibus.* Regulo Computi domus de Farendon. *MS.* ——— *Centum oves paſcantur, ſcilicet, multones cum multonibus, matrices cum matricibus*, hogacii *cum* hogaciis. Cartular. Abbat. Glaſton. *MS. fo.* 48. *a.* And indeed in many, eſpe-

especially the Northern Parts of *England*, Sheep after they lose the Name of Lambs, are called *Hogs*, as in *Kent*, *Tags*.

Hogshead Is a Measure of Wine, Oil, &c. containing Half a Pipe, the fourth Part of a Tun, or sixty-three Gallons. *Anno* 1 *R.* 3. *c.* 13. See *Barrel*.

Hoggus, Hogietus, A *Hog* or Swine, beyond the Growth of a Pig. ——*Porcelli primo compoto postquam nati sunt vocantur, secundo compoto* Hoggi *vocantur*. Regula Compoti domus de Farendon. *MS.* —— *solvent eodem die pro porco superannuavo unum denarium, & pro* hogietto *dimidii anni unum obolum*. Cartular. Radinges. *MS. fol.* 221. *a*.

Hokeday, Otherwise called *Hock-Tuesday*, *Dies Martis, quam Quindenam Paschæ vocant*, the second *Tuesday* after *Easter Week*. A Day so remarkable in ancient Times, that I have seen a Lease without Date, reserving so much Rent payable *ad duos anni terminos, scil. ad le* Hokeday, *& ad Festum Sancti Mich. Et ad Festum St. Mich. cum tenere voluerit Seneschallus Curiæ de* la Hele, *habebit de Celerario quinque albos panes & Costrellos suos plenos Cervisiæ, & ad idem Festum pro Curia de* Kinnersdone *de privilegiis tenendis, habebit totidem, & ad le* Hokeday *totidem*. Mon. Angl. 2 Par. f. 550. b. And in the Accounts of *Magdalen-College* in *Oxford* there is yearly an Allowance *pro Mulieribus Hockantibus*, in some Manors of theirs in *Hampshire*, where the Men *hock* the Women on *Monday*, and *econtra* on *Tuesday*. See *Hock-Tuesday-Money*. The Meaning of it is, that on that Day the Women in Merriment stop the Ways with Ropes, and pull Passengers to them, desiring something to be laid out in pious Uses.

Holderness. See *Pariſi pop.*

Holdes, Bailiffs of a Town or City. From the Sax. *Hold, i. e. summus præpositus*. Others are of Opinion that it signifies a General; for *Hold* in *Saxon* doth also signify *summus imperator*. *Comitis Weregildum*, i. e. *Æstimatio capitis, est* 15 *millia Thrympsa*, Holdis *& summi præpositi quatuor millia Thrympsa*. Leges Alured. de Weregildis.

Holm, (Sax.) *Hulmus, insula amnica*, a River-Island, according to *Bede*; or plain grassy Ground upon Water-sides, or in the Water, according to *Cambden*. *Cum duobus* Holmis *in campis de Wedone*. Mon. Angl. 2 Par. fol. 262. b. Therefore where any Place is called by that Name, or where this Syllable is joined with any other in the Names of Places, it signifies a Place surrounded with Water; as the *Flatholmes*, the *Stepholmes*, near *Bristol*: But if the Situation of the Place is not near the Water, then it may signify a hilly Place; for *Holm* in *Saxon*, is in *English* an Hill or Cliff.

Holstings. See *Hustings*.

Holt, A Wood or Grove, a *Saxon* Word: To which *Holborn* in *London* owes its Name——*Johannes Hotham Episcopus Elienſis an.* 1320. *perquisivit ad augmentationem Prioratus* —— *Barkeres cum quodam Alneto vocato Lyth-gates* Holt. Histor. Elien. *apud Whartoni Angl. Sacr. Part* 1. *pag.* 643.

Homage, *Homagium*, Probably derived from *homo*, because when the Tenant does this Service to his Lord, he says, *I become your Man*; It is also called *Marbood. Co. on Litt. fol.* 64. The *French* Word imports as much as *Fides clientelaris*; for in the original Grants of Lands and Tenements by way of Fee, the Lord did not only tie his Tenants to certain Services, but also took a Submission, with Promise and Oath, to be true and loyal to him as their Lord and Benefactor. This Submission was and is called *Homage*, the Form whereof you have in the Second Statute 17 *E.* 2. in these Words, "When a Freeman shall do *Ho-*" *mage* to his Lord, of whom he holdeth in chief, "he shall hold his Hands together between the "Hands of his Lord, and shall say thus", *I become your Man, from this Day forth for Life, for Member, and for worldly Honour, and shall owe you my Faith, for the Land I hold of you, saving the Faith that I owe unto our Sovereign Lord the King, and to mine other Lords*. And in this Manner the Lord of the Fee, for which *Homage* is due, taketh *Homage* of every Tenant as he cometh to the Land or Fee, *Glanvil, lib.* 9. *cap.* 1. except they be Women, who perform not *Homage*, but by their Husbands: Yet *Fitzherbert* in his *Nat. Brev. fo.* 157. saith the Contrary. The Reason of this, *Skene* giveth *de verb. signif. verbo Homagium*, because *Homage* specially concerneth Service in War. He saith also, That consecrated Bishops do no *Homage*, but only Fealty; and yet we find the Archbishop of *Canterbury* do *Homage* on his Knees to our Kings at their Coronation, and it hath been held, that the Bishop of *Sodor*, in the *Isle of Man*, is *Homager* to the Earl of *Derby*. And in the *Reg. Orig. fol.* 296. that a Woman taking Livery of Lands holden by Knights-Service, must do *Homage*, &c. Concerning the *Homage* of consecrated Bishops, read *Fulbecke, fol.* 20. in these Words. By our Law a religious Man may do *Homage*, but may not say to his Lord, *Ego devenio homo vester*, because he hath professed himself to be only God's Man; but he may say, *I do unto you* Homage, *and to you shall be Faithful and Loyal*. See of this *Britton, cap.* 68. *Homage* is also taken in some Cases to signify the particular Place or District where the Services are to be performed, as thus, *viz. Henricus Rex, &c. si Abbas de Ramsey poterit monstrare quod nullus antecessorum operasset ad* Hominium *de Brampton*. Bracton, lib. 2. cap. 35. par. 12. Fleta, lib. 3. cap. 16, 17. *Homage* is either new with the Fee, or Ancestrel, that is, where a Man and his Ancestors, Time out of Mind, have held their Lands by *Homage* to their Lord, whereby the Lord is tied to warrant the Land unto his Tenant. This *Homage* is used in other Countries as well as Ours, and was wont to be called *Hominium*. See *Hotoman de verbis feudalibus, verbo* Homo. *Skene* divides it into *Ligeum & non ligeum, de verbo signif. verbo* Homage, for which see *Liege*; and *Hotoman, disputatione de feudis tertia*. *Homage* is sometimes used for the Jury in a Court-Baron. *Smith de Rep. Ang. lib.* 2. *cap.* 27. The Reason is because it consisteth most commonly of such as owe *Homage* unto the Lord of the Fee; and these, by the *Feudists*, are called *Pares Curiæ*. Of this *Homage* you may read in the 29th Chapter of the *Grand Custumary* of *Normandy*, and others not used by us. See further in *Hotoman Disputat. de feudis, p.* 861. Of *Homage* in *Scotland* read *Skene de verb. signif.* Tit. *Homagium*, to whom you may also add a large Discourse in *speculo Durandi*, commonly called *Speculator* among the *Civilians*, Tit. *De feudis*. The Steward of the Lord may take Fealty, but not *Homage*. See the Stat. 12 *Car.* 2. *cap.* 24.

Homage Ancestrel, Is, where a Man and his *Ancestors*, Time out of Mind, held their Land of their Lord and his *Ancestors* by *Homage*, and if such Lord have received *Homage*, he is bound to

acquit the Tenant againſt all other Lords above him of every manner of Service, and if the Tenant hath done *Homage* to his Lord, and is impleaded, and vouches the Lord to Warranty, the Lord is bound to warrant him; and if the Tenant loſe, he ſhall recover in Value againſt the Lord ſo much of the Lands as he had at that Time of the Voucher, or any Time after. To this Effect *Littleton*; upon which *Coke* ſays, In his Example here put, *There muſt be a double Preſcription both in the Blood of the Lord and the Tenant; and therefore I think, there is little or no Land at all at this Day holden by* Homage Anceſtrel. Yet (as one avers) in the Manor of *Whitney* in *Herefordſhire*, whoſe Lord is of the ſame Name, and the Family has continued there many Ages, is one *Weſt* a Tenant, who can preſcribe to hold his Land of *Thomas Whitney* Eſq; the preſent Lord, by *Homage Anceſtrel.*

Homager, One that does, or is bound to do *Homage:* As the Biſhop of *Sodor*, in the *Iſle of Man*, is ſaid to be *Homager* to the Earl of *Derby*. See *Homage.*

Homagio reſpectuando Is a Writ directed to the Eſcheator; commanding him to deliver Seiſin of Lands to the Heir that is of full Age, notwithſtanding his *Homage* not done, which ought to be performed before the Heir have Livery, or his Lands; except there fall out ſome reaſonable Cauſe to hinder it. *F. N. B. fol.* 269.

Homagium reddere, To renounce *Homage*, when the Vaſſal made a ſolemn Declaration of Diſowning and Defying his Lord. For which, there was a ſet Form and Method preſcribed by the feudatary Laws. —— *Item* reddere *poterit Domino ſuo* homagium *ſuum, ſimul cum tenemente, propter capitales inimicitias, ut liberius proſequatur Apellum ſuum, & ſic diſſolvitur* homagium. *Bracton, lib. 2. cap. 35. ſect. 35.* This is the Meaning of that Paſſage in *Richardus Hugustaldenſis de Bello Standard, p. 321. Itaque Robertus* reddito homagio *quod ei fecerat —— ad ſuos ſocios reverſus eſt.* And of *Matthew Pariſ. ſub anno* 1188. *tunc Rex Anglorum Regi Francorum fecit* homagium, *quia in principio hujus guerræ* homagium ſuum reddiderat *Regi Franciæ.*

Homeſoken, rectius **Hamſoken**, & **Hamſoca**. (from the Sax, *Ham*, i. e. *Domus, Habitatio*, and *Socne, Libertas, Immunitas,*) is by *Bracton, lib. 3. tract. 2. c. 23.* thus defined: Homeſoken *dicitur invaſio domus contra pacem Domini Regis, vel inſultus factus in domo extra pacem Domini.* It appears by *Raſtal*, that in ancient Times ſome Men had an Immunity to do this. *Si quis* Hamſoeam *violaverit, jure Anglorum Regi emendet 5 libr.* LL. Canuti, cap. 39. Hamſoken *eſt quod Prior tenebit Placita in Curia ſua de his qui ingrediuntur domum vel Curiam alicujus ad litigandum, vel furandum, vel quicquid aſportandum, vel aliquod aliud faciendum, contra voluntatem illius qui debet domum vel Curiam.* Ex Reg. Priora. de Cokesford. See *Hamſoken.*

Homeſoken is the Privilege or Freedom which every Man hath in his Houſe; and he who invades that Freedom is properly ſaid *facere Homeſoken.* This I take to be what we now call *Burglary*, which is a Crime of a very heinous Nature, becauſe 'tis not only a Breach of the King's Peace, but a Breach of that Liberty which a Man hath in his Houſe, which, as we commonly ſay, ſhould be his Caſtle, and therefore ought not to be invaded. *Bracton, lib' 3. tract. 2. cap. 23.* Du Cange.

It is alſo taken for an Impunity to thoſe who commit this Crime, *viz.* Homſokne, *hoc eſt, quietus eſſe de amerciamentis pro ingreſſu hoſpitii violenter & ſine licentia, & contra pacem Regis, & quod teneatis placita de hujuſmodi tranſgreſſione in Curia veſtra.* W. Thorn. pag. 2030. See *Hamſoken.*

Homicide, *Homicidium*, Is the Killing of a Man, and is divided into *Voluntary* and *Caſual:* Homicide *voluntary* is that which is deliberate, and committed of a ſet Purpoſe to kill; Caſual is done by *Chance*, without any Intention to kill. *Homicide Voluntary* is either with precedent Malice, or without. The former is Murder, and is a felonious Killing through Malice prepenſed of any Perſon living in this Realm, under the King's Protection. *Weſt. par. 2. Symbol.* Tit. Indictments, *ſect. 37. &c. uſque* 51. Where you may ſee diverſe Subdiviſions of this Matter. See alſo *Glanvil, lib. 14. c. 3. Bract. lib. 3. tract. 2. cap. 4. 15 & 17. Britton, c. 5, 6, 7.* See *Murder, Manſlaughter* and *Chancemedly.*

Hominatio. Domeſday, Tit. Northampton *Sochmanni de Riſden, — Idcirco Epiſcopus clamat* Hominationem *eorum.* It ſignifies the Muſtering of Men, according to Mr. *Tate* in MS. Alſo the doing of Homage.

Homine eligendo ad cuſtodiendam aream ſigilli pro mercatoribus editi is a Writ directed to a Corporation, for the Choice of a new Man to keep one Part of the Seal, appointed for Statutes-Merchant, when the other is dead, according to the Statute of *Acton-Burnel. Reg. of Writs, fol. 178. a.*

Homine replegiando Is a Writ to bail a Man out of Priſon: In what Caſes it lies, ſee *F. N. B. fol. 6. Reg. Orig. fol. 77.* and the *New Book of Entries, verbo* Homine replegiando.

Homine capto in Withernamium Is a Writ to take him, that hath taken any Bondman or Woman, and led him out of the Country, ſo that he or ſhe cannot be *replevied* according to Law. *Reg. Orig. fol. 79.* See alſo *Withernam.*

Homines, A Sort of feudatary Tenants. They claimed a Privilege of having their Cauſes and Perſons tried only in the Court of their Lord. When *Gerard de Camvil* in 5 *R. 1.* was charged with Treaſon and other high Miſdemeanors, he pleaded, That he was *Homo Comitis Johannis* and would ſtand to the Law or Juſtice of his Court. *Parochial Antiquit. p. 152.*

Homiplagium is uſed in the Laws of *H. 1. cap.* 80. for the Maiming a Man. *Si quis in domo vel Curia Regis fecerit Homicidium vel* Homiplagium.

Homſtale, A Home-ſtall, or Manſion-houſe. As in a Charter granted about the 5 of *Ed. 1.* —— *Dedi tres obolos redditus* —— *quos Henricus Malemeins conſuevit annuatim ſolvere de uno itinere dicto Abbati & Conventui quod interjacet juxta domum Alani Sacriſtæ, & ducit verſus* Homſtale. —— Cartular. Radinges. *MS. ſol. 39. b.*

Hond-habend (from the Sax. *Hond*, Hand, and *habens*, having) ſignifies a Circumſtance of manifeſt Theft, when one is deprehended with the *Mainor* or *Mainover, i. e.* the Thing ſtolen in his Hand. *Bracton, lib. 3. tract. 2. cap. 8. 32, & 35.* who alſo uſes *Handberend* in the ſame Senſe. *Sc. Latro manifeſtus*, ſee *Handhabend.* So in *Fleta, lib. 1. c. 38. Furtum manifeſtum eſt ubi aliquis latro deprehenſus ſeiſitus de aliquo latrocinio* Hand-habbind, & Back-berinde, & *inſecutus fuerit per aliquem cujus*

cujus res illa fuerit, quæ dicitur Sacborgh, & tunc licet insecutori rem suam petere criminaliter ut suratam.

It also signifies the Right which the Lord hath of determining of this Offence in his Court.

Hond-Peny. *Sint quieti de chevagio*, Hondpeny, *&c. Priveleg. de Semplingham.* But there is no Declaration made, what is intended by it. *Ideo Quære.*

Honour is, besides the general Signification, used especially for the more noble Sort of *Seigniories*, whereof other inferior Lordships or Manors depend, by Performance of some Customs or Services to those who are Lords of them; (though anciently *Honour* and *Baronia* signified the same Thing). *Uti Manerium plurimis gaudet (interdum feodis, sed plerumque) tenementis, consuetudinibus, serviciis, &c. Ita* Honor *plurima complectitur Maneria, plurima feoda militaria, plurima Regalia, &c. dictus etiam olim est* Beneficium *seu* Feodum Regale, *tentusque semper a Rege in Capite.* Spelm. The Manner of creating these *Honours*, by Act of Parliament, may in Part be gathered out of the Statute of 33 H. 8. *c.* 37, 38. where *Ampthil*, *Grafton*, and *Hampton-Court*, are made *Honours*. And by 37 H 8. *c.* 18. the King is impowered by Letters Patent to erect four several *Honours*, viz. *Westminster*, *Kingston upon Hull*, St. *Osythe*, and *Donnington*, and as many other *Honours* as he will. In reading several approved Authors and Records, I have observed these following to have been likewise *Honours*, viz. The *Honours* of *Wigmore*, *Lancaster*, *Aquila*, (formerly *Pevinsey*,) *Clare*. *Tickhill*, *Wallingford*, *Nottingham*, *Boloine*, *West* and *East Greenwich*, *Bedford*, *Berkhamstead*, *Plimpton*, *Crevecure*, *Haganet*, *Windsor*, *Beaulieu*, *Peverel*, *Skipton*, *Wirmgay*, *Clun*, *Raleigh*, *Montgomery*, *Huntendon* in *Herefordshire*, *Eye*, *Baynard's Castle*, *Gloucester*, *Arundel*, *Tremanton*, *Richard's Castle*, *Christ-Church*, *Heveyngham*, *Cockermoth*, *Bullingbroke*, *Stafford*, *Barstable*, *Wherwelton* in *Yorkshire*, *Strigul*, *Totneys*, *Werk*, (Rot. Pipæ 31 H. 2.) *Cornayls*, *Caudicot*, *Theony*, *Oakhampton*, (had 92 Knights-Fees belonging to it,) *Grentmesnil*, *Egremond*, *Oxford*, *Lincoln*, *Abergaveny*, *Dudley*, *Tamworth*, *Mowbray*, *Webley*, *Bononia*, *Middleham*, *Hawerden-Castle*, *Dover-Castle*, (Trin. 33 Edw. 1. Line. 46.) *Carisbroke*, (Est 9 Ed. 1.) *Clifford-Castle*, *Kington*, *Folkingham*, *Leicester*, *Hinkley*, *Whitchurch*, *Hertford*, *Newelme*, *Chester*, *Lovetot*, *Pickering*, *Maidston*, *Tuttebury*, *Warwick*, *Brecnock*, *Brember*, *Halton*, *Gowher*; for *John de Moubray* in *Ed.* 3. wrote himself *Dominus Insulæ de Haxholm & de* Honoribus *de Gowher & Brember.* And in a Charter of 15 H. 3. I find Mention of the *Honours* of *Kaermardin*, *Cardigan*, and *Glamorgan.*

Sciatis communiter, me ——— accepisse in manu mea & defensione totum Honorem *Ecclesiæ de Rameseie, &c.* Charta Guilielmi I. Abbati Rames. Sect. 174. See *Cam. Britan. fol.* 315, 407, 594, & 690. *&c. Inquis.* 10 *Ed.* 2. *Coke's* 4 *Inst. f.* 224. *Mag. Charta*, *c.* 31. *Reg. Orig. fol.* 1. *Cromp. Jurisd. fol.* 115. *Broke*, Tit. *Tenure*, *num.* 26, *&c.* This Word is used in the same Signification in other Nations.

Honour-Courts Are *Courts* held within the *Honours* aforesaid, mentioned 33 *H.* 8. 37, and 37 H. 8. 18.

Honorary Services Are such as are incident to *Grand Serjeanty*, and annexed commonly to some *Honour.* See 12 *Car.* 2. *cap.* 29.

Hontfongenethef. *Cum omnibus aliis libertatibus, tantummodo* Hontfongenethef *mihi retento.* Charta Wil. Comitis Marescalsci. In Mon. Angl. 1 Par. f. 724. This should have been written *Hondfangenethef*, and signifies a *Thief* taken with *Hondhabend*, i. e. *Having* the Thing stolen in his *Hand.*

Hopcon Signifies a Valley in *Domesday-Book*; so too do *Hope*, *Hawgh* and *Howgh.*

Hora Auroræ, The Day-Bell, or Morning Bell, or what we now call the *Four a Clock Bell*, was called *Hora Auroræ*, as our *Eight a Clock Bell*, or the Bell in the Evening, was their *Ignitegium* or Coverfeu. See *Savage Balliofergus*, *p.* 39.

Hordera, a Treasurer. From the Sax. *Hord*, *Thesaurus. Et quicunque* Hordera *Regis vel præpositus furi consentaneus erit.* Leg. Adelstan. cap. 2. apud Brompton. From whence we derive the Word *Hord.*

Horderesgeld ——— *Nos* H. *Abbas de* Niwenham *& ejusdem loci Conventus remittimus* ——— *Abbati Glaston' & Conventui* ——— x. *sol. de turno vicecom. &* vi. *sol.* viii. *den. de quodam redditu qui vocatur* Horderesgeld, *unde placitavimus prædictum Abbatem Glaston. per Breve Domini Regis.* ——— Cartular. Abbat. Glaston. *MS. f.* 36.

Horderium, A Hoard, a Treasure, a Spense, or Repository. As in the Laws of King *Canute*, *c.* 104.——*Sed suum* horderium, *quod dicere possumus Dispensam, & cistam suam, & trage, id est scrinium suum, debet ipsa custodire.*

Hordeum palmale. *Hæc Indentura testatur, quod Rob. Beaufitz dedit* ——— *unam virgatam terræ in Gillingham,* ——— *redd. inde quolibet anno ad Festum S. Mich. quatuor Bussellos* ordei palmalis *firmæ juxta melius precium per duos denarios in Quarterio, &c.* Dat. 43 Ed. 4. *penes Alington Paynter Arm.* Doubtless this is meant of Beer-Barley, which in *Norfolk* is called Sprat-Barley, and Battledore-Barley, and in the Marches of *Wales*, *Cymridge*, it being broader in the Ear, and more like a *Hand* than the Common Barley, which in old Deeds is called *Hordeum Quadragesimale.*

Hornebeame Polingers Are *Trees* so called, that have been usually lopped, and are about twenty Years Growth, and therefore not tithable. *Plowden*, *f.* 407. *Soby's* Case.

Horngeld Is a Compound from the *Saxon* Word *Horn*, *cornu*, and *geld*, *solutio*, signifying a Tax within a Forest, to be paid for *horned* Beasts. *Cromp. Jurisd.* 197. And to be free thereof is a Privilege granted by the King unto such as he thinketh good. *Idem ibid. &* Rastall in his *Expositions of Words*, *Quietum esse de omni collectione in Foresta de bestiis cornutis assess.* 4 Inst. fol. 369. *Et sint quieti de omnibus Geldis, & Danegeldis, & Volgeldis, & Senegeldis, &* Horngeldis, *&c. Diploma* H. 3. *Canonicis & Monialibus de Semplingham.* See *Subsidy.*

Hornegium. Perhaps the same with *Horngeld*, which see.

Horn with Horn, or **Horn under Horn.** The promiscuous Feeding of Bulls and Cows, or all *horned* Beasts, that are allowed to run together upon the same Common. As in the Constitution of *Robert* Bishop of *Durham*, 1276. *Similiter de decimis quæ de vaccis proveniunt Statuendum duximus, quod ubicunque fuerit receptaculum earum, licet in vicinis parochiis* Horn with Horn, *secundum Anglicam linguam, pascua quærant, illi remaneat tota decima, ubi fuerit domicilium & remanentia.* Spelman; to which I need only add, that the Commoning of Cattel *Horn with Horn*, was properly when the Inhabitants of several Parishes let their common Herds run upon the same open spacious Common, (as

now ſuppoſe on *Otmore*) that lay within the Bounds of ſeveral Pariſhes, and therefore that there might be no Diſpute upon the Right of Tithes, the Biſhop ordains, that the Cows ſhould pay all Profit to the Miniſter of the Pariſh where the Owner lived, *&c.*

Hors de ſon Fee (Fr. *i. e.* out of his Fee,) is an Exception to avoid an Action brought for Rent iſſuing out of certain Land, by him that pretends to be the Lord, or for ſome Cuſtoms and Services: For if the Defendant can prove the Land to be *without the Compaſs of his Fee*, the Action falls. See *Diſtrict* and *Broke*, *hoc titulo.*

Hortolagium. See *Ortolagium.*

Hoſtilers, (Fr. *Hoſteliers*,) *Anno* 31 *E.* 3. *cap.* 2. *Stat.* 3. is uſed for *Inn-Keepers.* In ſome old Books the Word *Hoſters* occurs in the ſame Senſe; and *Free Hoſters* were ſuch as entertained Strangers *gratis.*

Hoſtes generalis, a Great Chamberlain. *Item quod nullus ſeipſum hoſpitare præſumat, &c. Sed volumus, quantum ad hoſpitia pertinet, omnes indifferenter noſtro* Hoſpiti generali *obediant, ſicut nobis, ſub pœna, &c.* Du Cange.

Hoſpitallers, *Hoſpitalarii*, were the Knights of a religious Order, ſo called, becauſe they built an *Hoſpital* at *Jeruſalem*, wherein Pilgrims were received. To theſe Pope *Clement* the Fifth transferred the Templers, which Order, by a Council held at *Vienne* in *France*, he ſuppreſſed for their many and great Offences. The Inſtitution of their Order was firſt allowed by Pope *Gelaſius* the Second, *Anno* 1118. and confirmed here by Parliament, and had many Privileges granted them, as Immunities from Payment of Tithes, *&c.* You ſhall find their Privileges reſerved to them by *Magna Charta, cap.* 37. and you ſhall ſee the Right of the King's Subjects vindicated from the Uſurpation of their Juriſdiction, by the Statute of *Weſtm.* 2. *cap.* 43. Their chief Abode is now in *Malta*, an Iſland given them by the Emperor *Charles* the Fifth, after they were driven from *Rhodes* by *Solyman* the Magnificent, Emperor of the *Turks*; and for that they are now called *Knights of Malta.* They are mentioned 13 *E.* 1. *cap.* 43. and 9 *H.* 3. *cap.* 37. *Tho. Walſingham* in Hiſt. *Ed.* 2 and *Stow's Annals, ibid.* All the Lands and Goods of theſe Knights here in *England* were given to the King, by 32 *H.* 8. *cap.* 34. See *Mon. Ang.* 2. *par. f.* 489.

Hoſpitium Is the ſame with Procuration. *Et nomine ſuæ legationis cum exceſſivo numero* Hoſpitia *a cunctis per Angliam exegit monaſteriis; minores vero domus, quæ pondus* Hoſpitii *ferre non poterint, certa ſumma, id eſt, octo vel quinque marcarum,* Hoſpitia *redemerunt.* Neubrigenſis, lib. 4. c. 14. Brompton, fol. 1193.

Hoſtagium. *Has terras ego & hæredes mei acquietabimus erga Regem de Scutagio &* Hoſtagio *& omni auxilio præter auxilia Vicecom. & Præpoſiti Hundredi, &c.* Mon. Angl. 1 Par. fol. 348. *b.*

Hoſtagium Is the ſame with *Hoſpitium.* See *Procuration.*

Hoſtelagium, A Right to receive Lodging and Entertainment reſerved by many Lords in the Houſes of their Tenants. —— *Monachi* Radinge *habebunt* hoſtelagium *ſuum in prædicto meſſuagio cum* Merlebergam *venerint.* Cartular. Radinges. *MS. f.* 157.

Hoſterium, a Hoe, (Fr. *Houe*,) an Inſtrument uſed moſtly by Gardiners, and well known. *Et ſint quieti de Aratro &* Hoſterio, *& ſegibus ſecandis,* ſeu *colligendo, & homagio faciendo, de averiis, & de pannagio & ſalicher, & omnibus aliis conſuetudinibus.* Charta Hamonis Maſſy.

Hoſteler, *Hoſtellarius*, Cometh of the French *Hoſteler*, i. *Hoſpes*, and ſignifieth with us thoſe that otherwiſe are called *Inn-Keepers.* 9 *E.* 3. *Stat.* 2. *cap.* 11. We now uſually term thoſe, that in the Stable look to the Gueſts Horſes in an Inn, *Hoſtlers.*

Hoſthag, A Service to the King in *Cleſhaw*, ſays *Domeſday*; but I think rather it ſhould be written *Haſta*, becauſe it is ſuppoſed a Military Service.

Hoſtiæ, Hoaſt-Bread, conſecrated Wafers in the Holy Euchariſt or Hoſt. *Iſabel* Counteſs of *Albemarle* confirmed to the Convent of *Burceſter* five Quarters of Bread-Corn, ——— *ad* hoſtias *faciendas in domo prædicta.* Parochial Antiquit. *pag.* 270. From this Latin *Hoſtia* Mr. *Somner* deduces the Saxon *Huſel*, the Lord's Supper, and *Huſlian* to adminiſter that Sacrament; kept long in our old *Engliſh*, the *Houſel*, and to *Houſal.* See *Kennet's* Gloſſary.

Hoſtilarius, an *Hoſpitaller.*

Hoſtillaria, Hoſpitularia, A Place or Room in religious Houſes, allotted to the Uſe of receiving Gueſts and Strangers, for the Care of which there was a peculiar Officer appointed, called *Hoſtillarius*, and *Hoſpitalarius.* ——— *Nos Willielmus Prior Elyen. & ejuſd. loci Conventus ad rogatum* ——— *Henrici ſexti Regis conceſſimus Johanni Norys Armigero officium Botillarii in* Hoſtillaria *noſtra Elienſi* ——Ex Cartular. Eccl. Elyen. *MS. f.* 34.

Hoſtricus, *Auſtercus*, from Lat. *Aſtur*, a Goſhawk. The Manner of *Broughton com. Oxon*, in the Reign of *Edw.* II. was held by *John Mauduit* ——*in capite per ſerjeantiam mutandi unam* hoſtricum *Domini Regis, vel illum* hoſtricum *portandi ad curiam Domini Regis.* Paroch. Antiquities, *pag.* 569.

Hotchpot, *In partem poſitio*, (Fr. *Hochepot*, a confuſed Mingle-mangle of divers Things jumbled and put together.) Among the *Dutch* it ſignifies Fleſh cut into Pieces, and ſodden with Herbs or Roots, not unlike that which the *Romans* called *Farraginem.* ——*Feſtus.* But *Littleton* ſaith, That literally it ſignifies a Pudding mixt of divers Ingredients, but by a Metaphor, ſignifieth a Commixture, or putting together of Lands of ſeveral Tenures, for the equal Diviſion of them, *fol.* 55. For Example. A Man ſeiſed of thirty Acres of Land in Fee, hath Iſſue two Daughters, and gives with one of his Daughters, to a Man that marries her, ten Acres of the ſame Land in *Frank-marriage*, and dies ſeiſed of the other twenty Acres. Now if ſhe that is thus married will have any Part of the twenty Acres whereof her Father died ſeiſed, ſhe muſt put her Lands, given in *Frank-mar-*

marriage, in *Hotchpot*, that is, ſhe muſt refuſe to take the ſole Profits of the Lands given in *Frank-marriage*, and ſuffer the Land to be commixt, and mingled together with the other Land whereof her Father died ſeiſed; ſo that an equal Diviſion may be made of the Whole between her and her Siſter, and thus for her ten Acres ſhe ſhall have fifteen, elſe her Siſter will have the whole Twenty of which her Father died ſeized. See *Coke* on *Lit. lib.* 3. *cap.* 12. and *Britton*, *f.* 119. There is alſo in the Civil Law *Collatio bonorum* anſwerable to this, whereby if a Child advanced by the Father, do after his Father's Deceaſe challenge a Child's Part with the Reſt, he muſt caſt in all that formerly he had received, and then take out an equal Share with the others.

Houſe, *Domus*. In a *Houſe* four Things are neceſſary, 1. *Habitatio hominis.* 2. *Delectatio inhabitantis.* 3. *Neceſſitas luminis.* 4. *Sulubritas aeris.* For any Hurt or Hindrance to the Firſt, Third, and Fourth of theſe an Action lieth: For *Prohibetur ne quis faciat in ſuo, quod nocere poſſit alieno.* The *Houſe* of every Man is to him as his Caſtle and Fortreſs, as well for his Defence againſt Injury and Violence, as for his Repoſe; according to the Maxim, *Domus ſua cuique eſt tutiſſimum refugium.* See *Co.* 5. *Rep. Semaine's* Caſe. The Privilege that the Law gives to *Houſes* for the Habitation of Men is great; for Firſt, it ought to have the Precedency in a *Præcipe quod reddat* before Lands, Meadows, Paſtures and Woods. Secondly, the *Houſe* of a Man hath Privilege to protect him againſt an Arreſt, by Force of a Proceſs of the Law, at the Suit of the Subject. *Co. Rep.* 11. *Bowle's* Caſe. Thirdly, Thoſe that dig for *Salt-Peter*, ſhall not dig in the *Manſion-houſe* of any Subject without his Aſſent; for then He, nor his Wife, nor Children, cannot be in Safety, nor his Goods preſerved from Thieves. 4. He that kills a Man which will rob and ſpoil him in the *Houſe*, ſhall forfeit nothing.

Houſebold, and Haybold. *Conceſſi etiam prædictis Burgenſibus meis* Houſebold & Haybold *in omnibus boſcis.* Charta Hamonis Maſſy fine dat. It ſeems to ſignify *Houſeboot* and *Hedgeboot.* The ſame Words alſo occur in *Mon. Ang.* 2 *Par. fol.* 633.

Houſebote, A Compound of *Houſe* and *Bote*, i. *compenſatio*, ſignifies *Eſtovers*, or an Allowance of neceſſary Timber out of the Lord's Wood, for the Repairing and Support of a *Houſe* or Tenement. [And this belongs of common Right to any Leſſee for Years, or for Life: But if he take more than is needful, he may be puniſhed by an Action of Waſte.] *Houſebote* ſays *Co.* on *Lit. f.* 41. is Two-fold, *viz. Eſtoverium ædificandi & ardendi.*

Houſe-robbing or Houſe-breaking, Is the *Robbing* of a Man in ſome Part of his *Houſe*, or his Booth or Tent, in any Fair or Market, and the Owner, or his Wife, Children or Servants being within the ſame; for this is Felony by 23 *H.* 8. *cap.* 1. and 3 *E.* 6. *cap.* 9. And ſince it is made Felony, though none be within the *Houſe*, Booth, or Stall, by 39 *Eliz.* 15. See *Burglary*, and *Weſt*, *part* 2. *Symbol.* Tit. Indictment, *ſect.* 67.

Hredige, *i. e.* Readily, or Quickly. *Item diximus de illis latronibus, qui in* Hredige *nequeunt culpabiles inveniri, i. e.* Could not readily be convicted. *Leg. Adelſtan. c.* 16. From the Sax. *Hredinge*, i. e. *Brevi*, in a ſhort Time.

Hudegeld *Significat quietantiam tranſgreſſionis illatæ in ſervum tranſgredientem.* Fleta, *lib.* 1. *c.* 47. *Sect.* 20. It may be thought in that Place of *Fleta* to be miſprinted for *Hinegeld*, which ſee, & *quære.* When a Villain or Servant had committed any Treſpaſs, for which he deſerved whipping or corporal Puniſhment, when he bought off his Penalty with Money, the Price of Exemption from ſuch Chaſtiſement was called *Hudegeld*, or *Hidegeld*, ſome fancy, Money given to ſave his Hide. See *Fleta ubi ſupra.*

Hue and Cry, *Huteſium & clamor*, Is derived of two *French* Words *Huer* and *Crier*, both ſignifying to ſhout or *cry* aloud. *Manwood* in his *Foreſt-Law*, *cap.* 19. *num.* 11. ſaith, That *Hue* in Latin, [*Eſt vox dolentis*, as ſignifying the Complaint of the Party,] and *Cry* is the Purſuit of the Felon upon the Highway upon that Complaint; for if the Party robbed, or any in the Company of one robbed or murdered, come to the Conſtable of the next Town, and will him to raiſe the *Hue* and *Cry* [that is, make the Complaint known, and follow the Purſuit,] after the Offender, deſcribing the Party, and ſhewing as near as he can which way he went; the Conſtable ought forthwith to call upon the Pariſh for Aid in ſeeking the Felon, and if he be not found there, then to give the next Conſtable Notice, and the next, until the Offender be apprehended, or at leaſt until he be thus purſued unto the Sea-ſide. Of this *Bracton*, *lib.* 3. *tract.* 2. *cap.* 5. *Smith de Rep. Anglor. lib.* 2. *cap.* 20. and the Stat. 13 *E.* 1. of *Wincheſter*, *cap.* 3. & 28 *E.* 3. 11. & 27 *Eliz.* 13. The *Normans* had ſuch a Purſuit with a *Cry* after Offenders, which they called *Clamor de Haro*, whereof you may read the *Grand Cuſtumary*, *cap.* 54. and it may probably be derived from *Harrier*, *flagitare.* *Hue* is uſed alone. 4 *E.* 1. *Stat.* 2. In the ancient Records this is called *Huteſium & Clamor.* See *Coke's* 2 *Par. Inſt. f.* 172.

Mandatum eſt Gulielmo de Haverhul Theſaurario Regis, quod Civitatem London capiat in manum Regis, eo quod Cives ejuſdem Civitatis non levaverunt Huteſium & Clamorem *pro morte Magiſtri Guidonis de Aretio & aliorum interfectorum, ſecundum legem & conſuetudinem Regni.* Rot. Clauſ. 30 H. 3. m. 5. See *Vociferatio.*

But the *Clamor de Haro* was not a Purſuit after Offenders, but a Challenge of any Thing to be his own after this Manner, *viz.* He who demanded the Thing did with a loud Voice, before many Witneſſes, affirm it to be his proper Goods, and demanded Reſtitution. This the *Scots* call *Huteſium*, and *Skene de verb. ſignif. verb. Huteſium*, ſaith, it is deduced from the French *Oyer*, i. *Audire*, (or rather *Oyez*) being a *Cry* uſed before a Proclamation; the Manner of their *Hue and Cry* he thus deſcribeth, If a Robbery be done, a Horn is blown, and an *Out-cry* made, after which, if the Party fly away, and not yield himſelf to the King's Bailiff, he may be lawfully ſlain, and hanged upon the next Gallows. Of this *Hue and Cry*, ſee *Cromp. Juſt. of Peace*, *fol.* 160. And in *Rot. Clauſ.* 30 H. 3. *m.* 5. we find a Command to the King's Treaſurer, to take the City of *London* into the King's Hand, becauſe the Citizens did not, *ſecundum Legem & conſuetudinem Regni*, raiſe the *Hue and Cry* for the Death of *Guido de Aretio*, and others who were ſlain

Huers. See *Conders.*

Huiſſiers. See *Uſher.*

Huiſſerium, Ships to tranſport Horſes. 'Tis mentioned in *Hoveden* by the Name of *Wiſers.* And *Brompton*, *Anno* 1190. calls them *Uſſers*, viz. *Rex Tancredus dedit Regi Angliæ* 4 *magnas naves*

quas vocant Uffers. It doth not appear by *Voſſius* or *Somner*, from whence this Word is derived. Some will have it from the Fr. *Huis*, *i. e.* a Door; becauſe when the Horſes are on Shipboard, the Doors or Hatches are ſhut upon them, to keep out Water.

Hulka, A Hulk, or ſmall Veſſel.——— *Commiſit cum eis & cepit tres caricas, & unam* hulkam, *& quatuor Calingarias.* Tho. Walſingham, *p.* 394.

Hullus. A Hill. ——— *Habendum & tenendum dictam paſturam in* hullis *& holmis*, i. e. in Hills and Dales. *Mon. Ang.* tom. 2. p. 292.

Hulm. See *Holm.*

Humagium, a moiſt Place. *In Eccleſiis, in decimis, in* humagiis, *in terris, in pratis.* Mon. Angl. 1 Par. f. 628. a.

Humber in *Yorkſhire.* See *Abus æſtuarium.*

Hundred (*Hundredum, Centuria*) is a Part of a Shire ſo called, either becauſe of old each *Hundred* found 100 Fidejuſſors of the King's Peace, or 100 able Men for his Wars. But I rather think tis ſo called, becauſe it was compoſed of an *Hundred* Families. 'Tis true, *Brompton* tells us that an *Hundred* contains *Centum Villas*; and *Giraldus Cambrenſis* writes that the *Iſle of Man* hath 343 *Villas.* But in theſe Places the Word *Villa* muſt be taken for a Country Family; for it cannot mean a Village, becauſe there are not above 40 Villages in that Iſland. So where Mr. *Lambard* tells us that an *Hundred* is ſo called, *a numero Centum hominum*, it muſt be underſtood of an *Hundred* Men, who are Heads or Chiefs of ſo many Families. Theſe were firſt ordained by King *Alfred*, the 29th King of the *Weſt-Saxons: Aluredus Rex*, (ſays *Lambard, verbo* Centuria,) *ubi cum* Guthruno Daw *fœdus inierat, prudentiſſimum illud olim a Jethrone Moiſi datum ſecutus conſilium, Angliam primus in Satrapias*, Centurias, *& decurias, partitus eſt. Satrapium*, Shyre, *a* Seyrian, (*quod partiri ſignificat,*) *nominavit* Centuriam, Hundred, *& Decuriam*, Toothing *ſive* Tienmantale, *i. e. Decemvirale Collegium appellavit; atque iiſdem nominibus vel hodie vocantur, &c.* This Dividing Counties into *Hundreds*, for better Government, King *Alfred* brought from *Germany:* For there *Centa*, or *Centena*, is a Juriſdiction over an *Hundred* Towns. This is the Original of *Hundreds*, which ſtill retain the Name, but their Juriſdiction is devolved to the County-Court, ſome few excepted, which have been by Privilege annexed to the Crown, or granted to ſome great Subject, and ſo remain ſtill in the Nature of a Franchiſe. This has been ever ſince the Stat. 14 *E.* 3. *Stat.* 1. *cap.* 9. whereby theſe *Hundred-Courts*, formerly farmed out by the Sheriff to other Men, were all, or the moſt Part, reduced to the County-Court, and ſo remain at preſent. So that where you read now of any *Hundred-Courts*, you muſt know they are ſeveral Franchiſes, wherein the Sheriff has not to do by his ordinary Authority, except they of the *Hundred* refuſe to do their Office. See *Weſt, Part.* 1. *Symbol. lib.* 2. *ſect.* 228. *Ad* Hundredum *poſt Paſcha, & ad proximum* Hundredum *poſt Feſtum St. Mich.* Mon. Angl. 2 Par. f. 293. a. The Word *Hundredum* is ſometimes uſed for an Immunity or Privilege, whereby a Man is quit of *Hundred-Penny*, or Cuſtoms due to the *Hundreds.* See *Turn* and *Ward.*

Hundredors, *Hundredarii*, Are Men empannelled, or fit to be empannelled on a Jury upon a Controverſy, dwelling in the *Hundred* where the Land in Queſtion lies, *Cromp. Jur. fol.* 217. and 35 *H.* 8. 6. It ſignifies alſo him that hath the Juriſdiction of a *Hundred*, and holdeth the *Hundred* Court, 13 *E.* 1. *cap.* 38. 9 *E.* 2. *Stat.* 2. *&* 2 *E.* 3. *cap.* 4. and ſometimes it is uſed for the Bailiff of an *Hundred.* Horne's *Mirror of Juſtices*, lib. 1. cap. *del Office del Coroner.*

Hundred-Lagh Signifies the *Hundred* Court, from which all the Officers of the King's Foreſt were exempted by the Charter of King *Canutus*, *c.* 9. See *Manwood*; *vide etiam Warſcot.*

Hundred-peny. *Eſt autem pecunia quam ſubſidii cauſa vicecomites olim exigebat ex ſingulis Decuriis ſui Comitatus, quas Tethingas Saxones appellabant. Sic ex* Hundredis, Hundred-peny. *Spelm. Pence of the Hundred.* Cambd. Brit. *fol.* 223. *Hoc eſt, quietantia pro denariis dandis, vel aliis conſuetudinibus faciendis Præpoſitis Hundredorum.* MS. in Bibl. Cotton ſub. Tit. *Vitellius.* C. 9. fol. 220. b. This is elſewhere called *Hundredſeh*, as in *Charta Johannis Regis Egidio Epiſcopo Heref.* and recorded *in Libro nigro Heref.*

'Tis mentioned in *Domeſday*, *viz. Denarii de* Hundret, *& Denarii ſancti Petri.* Gale. Hiſt. Brit. f. 764.

Hundred-ſetena. *Et habeant Sacam & Socam on Stround & on Streme, on wode & on felde, Grithbrice,* Hundred-ſetena, *Adas & Ordelas, &c.* Charta Edgari Regis Mon. Glaſton. Anno 12 Reg. *Mon. Angl.* 1 *Par. fol.* 16. *b. Sæta*, or *Setena*, in Compoſition, ſignifies Dwellers or Inhabitants. *Debent habere conſtitutionem* Hundredi, *quod Angli dicunt* Hundred-ſetena. Text. Roff.

Hunnum, *Sevenſhall* in *Northumberland.*

Hurdereferſt, ſee *Heordſeſte*, a Domeſtick, or one of the Family. From the Sax. *Hyred*, *Familia*, and *Faſt. Firmus. Bis in anno conveniant in* hundredum *ſuum quicunque liberi tam* Hurdereferſt *quam folgarii ad dignoſcend. ſi Decaniæ plenæ ſint.* Leg. H. 1. c. 8.

Hurrers, The Cappers and Hat-Merchants, being called *Hurrers*, were formerly one Company of the Haberdaſhers. *Stow. Survey of Lond.* p. 312.

Hurſt, Hyrſt, Herſt, Are derived from the Sax. *Hyrſt*, *i. e.* a Wood, Plump, or Grove of Trees. There are many Places in *Kent*, *Suſſex*, and *Hampſhire*, which begin and end with this Syllable; and the Reaſon may be, becauſe the great Wood called *Andreſwald* extended through thoſe Counties.

Hurſt-Caſtle Is ſo called, becauſe ſituated near the Woods. So *Hurſlega* is a woody Place; and probably from thence is derived *Hurſley*, now *Hurley*, a Village in *Berkſhire.*

Hurtardus, Hurtus, A Ram, or Weather, a Male Sheep. *Agni primo compoto poſtquam nati ſunt* Agni *vocantur, ſecundo anno* Hoggaſtri, *& conjunguntur Multones cum multonibus, &* Hurtardi *cum* Hurtardis, *& fœmellæ cum ovibus.* Regulæ compoti domus de Farendon. *MS.* ——— *De multonibus* 381. *de* hurtis *& muricis* 207. *De hogris* 121. *& de agnis* 100. Mon. Angl. *Tom.* 2. *pag.* 666.

Hus and Hant. *Quidam Henricus Pinckpap captus per querimoniam Mercatorum Flandriæ & imprisonatus, offert Domino Regi* Hus & Hant *in plegio ad standum recto, & ad respondendum prædictis mercatoribus & omnibus aliis, qui versus eum loqui voluerint. Et diversi veniunt qui manucapiunt quod dictus* H. P. *per* Hus & Hant *veniet ad summonitionem Regis vel Concilii sui in Curia Regis apud* Shepweye, *& quod stabit ibi recto, &c.* Placita coram Concilio Domini Regis, Anno 27 H. 3. Rot. 9. *Quære, an non sit commune plegium, sicut* Jo. Do, & Ric. Ro. See 4 *Inst. fol.* 72.

Husbrece Is what we now call *Burglary*. From the Sax. *Hus*, an House, and *Brice*, a Breaking.

Huscarle, (Sax.) a Domestick Servant, or one of the Family. Also the Domestical Gatherers of the *Danes* Tribute. The Word is often found in *Domesday*, where we find the Town of *Dorchester* paid to the Use of *Houscarles* one Mark of Silver. See *Karles*. It properly signifies a stout Man, or a Domestick, *viz. Rex Hardeknutus suos* Huscarles *misit per omnes Regni sui provincias ad exigendum tributum.* Du Cange.

Huseans, Of the French *Houseau*, i. *ocrea*, a Kind of Boot, or somewhat made of coarse Cloth. and worn over the Stockings; a *Buskin*, or as the Vulgar call it a *Spatterdash*. It is mentioned in the Stat. 4 *E.* 4. *c.* 7.

Huseans signifies *Hose*. From the Sax. *Hosa*, *Caliga*.

Husebote, Housebote. From Saxon *hus* a House, and *bote* Amends or Repair. The Liberty allowed a Tenant to cut as much Timber and Wood upon the Premisses, as was necessary for the Support and Repair of the Farm-house, and adjoining Buildings. See Mr. *Kennet's Glossary*.

Husfastne Is he that holdeth House and Land, *Bracton, lib.* 3. *tract.* 2. *ca.* 10. hath these Words *Et in Franco plegio esse debet omnis qui terram tenet & domum qui dicuntur* Husfastne, *& etiam alii, qui illis deserviunt & dicuntur Folgheres, &c.* Some have corruptly written it *Hurderefest & Hurdefest*, but more truly *Heordfeste*; which see in *Gloss. in decem scriptor.*

Husgablum. *Item tota illa terra quæ est inter dictam Aulam & venellam, quæ dicitur* Swainegalle *& de terra* S. Petri, *& vocata* Peterbordland, *& sunt ibi modo tria Tofta, & quod reddit* Husgablum, *aliter non geldabilis.* Inq. capt. apud Ebor. Anno 1275. in Registro vocat' *le Whitebook*. It seems to signify House-Rent, or some Tax or Tribute laid upon Houses.

Husfotum, a certain Tribute paid to the chief Lord for every House of his Tenants.

Husseling People, The Parishioners of *Leominster*, in a Petition to King *Edward* VI. set forth that in their Town there were to the Number of 2000 *Husseling People, &c.* that is 2000 Communicants, for *Hussel* in the *Saxon* Tongue signifies the Holy Sacrament.

Hustinge, (*Hustingum*, from the Sax. *Hus, Domus*, and *Thing, Causa, quasi Domus causarum.*) This was my Lord *Coke*'s Opinion of the Derivation of this Word. But it comes from the Sax. *Hustinge*, which signifies *Concilium*, or *Curia*. And so 'tis called in Sax. *Chron. An.* 1012. *viz.* They took the Bishop, and led him to their *Husting, i. e.* to the Council. But *Hustinga est antiquissima & celeberrima Londoniorum Civitatis Curia Suprema*, the principal and highest Court in *London*, 11 *H.* 7. *cap.* 21. and 9 *Ed.* 1. *cap. unico.* Of the great Antiquity of this Court, we find this honourable Mention in the Laws of King *Edward the Confessor, Debet etiam in* London, *quæ est caput Regni & Legum, semper curia Domini Regis singulis septimanis die Lunæ* Hustingis *sedere & teneri. Fundata enim erat olim & ædificata ad instar & ad modum & in memoriam veteris magnæ Trojæ, & usque in hodiernum diem Leges & jura & dignitates, libertates, regiasque consuetudines antiquæ magnæ Trojæ in se continet* ——— *& consuetudines suas una semper inviolabilitate conservat.* See *Taylor's Hist. Gavelkind, pag.* 55. This Court is held before the Lord Mayor and Aldermen of *London*. Error or Attaint lies there of a Judgment, or false Verdict in the Sheriff's Court, as appears by *F. N. B. fol.* 23. Other Cities and Towns also have had a Court of the same Names, as *Winchester, Lincoln, York* and *Shepey*, and others, where the Barons or Citizens have a Record of such Things as are determinable before them. *Fleta, lib.* 2. *cap.* 55. *Stat.* 10. *E.* 2. *cap. unico.* 4. *Inst. fol.* 247. and *Gloss. in decem scriptores* on this Word.

Hutesium, A Hue and Cry. ——— *Abbas & Conventus usi sunt hiis libertatibus, scil. visum franciplegii*, hutesium *clamatum, & effusionem sanguinis.* Cartular. Abbat. Glaston. *MS. f.* 87.

Hutplan. *Terras quietas ab omni* Hutilan *& omni alia exactione, & dimidiam acram in T. quæ tantum* Hutilan *reddit.* Mon. Angl. vol. 1. fol. 586. b. q.

Hybernagium, The Season for sowing Winter-Corn, or Wheat and Rie, between *Michaelmas* and *Christmas*: As opposed to *tremagium* and *æstivagium*, the Season for sowing Summer-Corn in the Spring of the Year. The Words were taken sometimes for the different Seasons, sometimes for the different Lands on which the different Grains were sowed, as Wheat and Rye on Fallow: Barley, Oats, *&c.* on Land of one Tilth: And again sometimes for the different Corn, as *hibernagium* was applied to Wheat and Rye, which we still call *Winter-Corn*: And *tremagium* to Barley, Oats, *&c.* which we likewise term Summer-Corn. See *Fleta, lib.* 2. *cap.* 73. *sect* 18. and *lib.* 2. *c.* 41. *sect.* 1. where it is called *Thornagium.* See *Ibernagium.*

Hyde of Land. See *Hide.*

Hydegyld, A Ransom paid to save one's Skin, *viz.* that it be not beaten. Also the same with *Hidage.*

Hyth, A Port or little Haven to lade or unlade Wares at, as *Queen-hyth, Lamb-hyth, &c. New Book of Entries, fol.* 3. ——— *De tota Medietate* Hythæ *suæ in, &c. cum libero introitu & exitu, &c.* Mon. Angl. 2. par. fol. 142.

I.

I. *Hæc litera est etiam verbum seu rectius pronomen, scilicet, Ego, unde derivatur possessivum* (*meus*) *ut ab altero pronomine*, (*viz. tu, tuus*) *in* English *Mine* and *Thine*; or as we use *Meum* and *Tuum*, the proper Guides of Right; and whose being misunderstood, hath been the Ground of all Quarrels.

Jack (*olim Wambasium*) *erat tunica, quod non ferro Solido, sed tunicis plurimo lino intextis muniebatur*: A Kind of defensive Coat worn by Horsemen in War, not made of solid Iron, but many Plates fasten'd together; which some by Tenure were bound to find upon any Invasion.

See

See *Hidage*. *Walſingham*, in the *Life of Richard* II. *fol.* 239. tells us, *Accepi ab ore ejuſdem Johannis Philpot quod mille loricas vel Tunicas, quas vulgo vocant* Jakes, *redemerit de manibus creditorum.* And in *Pag.* 249. *Acceptum quoddam Veſtimentum pretioſum Ducis Lancaſtriæ, quale* Jack *vocamus.*

It was called *Lorica*, becauſe at firſt it was made with Leather.

Jactibus and **Jectibus**, A *Latin* Word ſignifying him that loſeth by Default, *Placitum ſuum neglexerit*, & Jactivus *exinde remanſit.* Formul. ſolen. 159.

Jamaica Is an *American* Iſland, lying on the South of *Cuba*; in Length from Eaſt to Weſt Fifty Leagues, and in Breadth Twenty, the Middle under the eighteenth Degree of Northern Latitude: It was in Part taken from the *Spaniard* by the *Engliſh* in the Year 1655. and is mentioned in the Stat. 15 *Car.* 2. *cap.* 5.

Jamaica-wood, mentioned 15 *Car.* 2. *cap.* 5. Is a Kind of ſpeckled *Wood*, of which are made Cabinets, called there *Granadillo*. The Tree (as they ſay) is low and ſmall, ſeldom bigger than a Man's Leg.

Jambeaux, Armour for the Legs. From *Jambe*, *Tibia*.

Jameſa. See *Thameſis*.

Jampnum, Furz or Gorſe; alſo a gorſy Ground, *Co.* 1. *part. fol.* 179. a Word much uſed in *Fines*, and the Name ſeems to derive it ſelf from the French *Jaulne*, 1. Yellow, becauſe the Bloſſoms of it are of that Colour. *Co.* on *Lit. p.* 5. ſays *Jampna*, ſignifies a wateriſh Place *Manwood* in his *Foreſt-Law*, *c.* 25. *num.* 3. ſays, No Man may cut down Furze or Whins, within the Foreſt without good Licence.

Jannum. Heath, Whins, or Furz.——— *Erniſius queritur quod homines falcabant* Jannum *in quadam bruera quam habet in Dunheved. Placita* 23 H. 3. Sumerſet. *apud* Prinne. *Collect. tom.* 3. *p.* 93.

Jantum. ——— *Malefactores venerunt in quandam ſeparalem paſturam in Uplym, quæ pertinet ad Abbatiam Glaſtoniæ*, & Janta & *alia in eadem creſcentia combuſſerunt.* ——— Cartular. Glaſton. *MS.*

Jaques, a Sort of ſmall Money uſed here. 'Tis mentioned by *Staundford* in his *Pleas of the Crown. cap.* 30.

Jar, (Span. *Jarro*, *i. e.* an Earthen Pot,) With us it is taken for an Earthen Pot or Veſſel of Oil, containing twenty Gallons.

Jarrock, (*Anno* 1 *R.* 3. *c.* 8.) is a Kind of Cork, or other Ingredient, which this Statute prohibits Dyers to uſe in dying Cloth.

Jaun (Fr. *Jaune*, *i. e.* yellow Colour). *Præterea concedit Abbati & Conv. & hominibus eorum de Stanhal de ſe & de hæredibus ſuis colligere* Jaun & Feugere & *breue* & Geneſtam *per terram ſuam ſine impedimento*, &c. Charta Will. de Bay, ſine dat. Doubtleſs here *Jaun* is uſed for Furze or Gorſe, which we now in Law *Latin* call *Jampnum*, and anciently *Jaunum*; as, *Decimas illius* Jauni *in Dunheved.* Pl. Aſſiſ. 22 H. 3.

Ibernagium, *Hibernagium*, *Ybernagium*. Seaſon for ſowing Winter-Corn. ——*Et arabit unam acram, ſeminabit cum ſemine Domini, eandem herciabit, videlicet, dimidiam acram ad* Ibernagium & *dimidiam ad tremagium*, & *cariabit de fœno Domini.* Chartular. Abbat. Glaſton. *MS. f.* 91. *a.*

Ic Dien, The Motto under the Arms of the Prince of *Wales*. Sir *Henry Spelman* judges it was Saxon *Ic Thein*, the Sax. *D.* with a Stroke traverſe being *Th.* and ſignified, *I ſerve*, or *am a Servant.* As the Saxon-Kings miniſterial Lords were called *Theins.*

Iceni, *Suffolk*, *Norfolk*, *Cambridge*, and *Huntingdonſhires.*

Ich Dien Is the Motto of the Arms of the Prince of *Wales.* From the Germ. *Ich-Dien. i. e.* I ſerve. It was formerly the Motto of *John* King of *Bohemia*, who was ſlain in the Battel of *Creſſy* by *Edward* the *Black Prince*, and taken up by him to ſhew his Subjection to his Father.

Icianos, *Ichborow* in *Norfolk.*

Icons, (*Iconia*,) a Figure, Image, or Repreſentation of a Thing. 'Tis mentioned in *Matt. Pariſ. pag.* 146. 491. in *Hovedon*, *pag.* 670. and in *Brompton*, *pag.* 1178.

Ictus orbus, **Ictus cæcus**, A Bruiſe, a Swelling, any Hurt or Maim without breaking the Skin, which they called properly *plaga*, a Wound, and *apertæ plaga*, an open Wound.——— *Si inveniantur plagæ apertæ, vel bruſſuræ per* ictus orbos. *Bracton, lib.* 2. *tract.* 2. *cap.* 5. *ſect.* 7. So *Orbis* was uſed for a black and blue Spot, or livid mark of Beating.——*Ligna faciunt bruſuras*, orbes, & *ictus, qui judicari non poſſunt ad plagam*, ib. cap. 24. ſect. 2. So *Ictus cæcus* oppoſed to *ictus cruentus* and *Ictus apparens.* As in the Laws of *H.* 1. *c.* 94. ——— *Si alius alium verberet* cæcis ictibus & *non cruentis, ſive cravatus ibi ſit, vel non convictus, noxæ witam emendabat Domino, cujus hominem vulneravit.*

Identitate nominis Is a Writ that lies for him, who upon a *Capias* or *Exigent* is taken and committed to Priſon for another Man of the ſame Name; whereof ſee the Form, and farther Uſe in *F. N. B. f.* 267. See *Reg. Orig.* 194. *Idempnitate nominis* maintainable by Executors, &c. *an.* 9 H. 6. *cap.* 4.

Ides, *Idus*, Are eight Days in every Month ſo called. In *March*, *May*, *July* and *October*, they begin at the eighth Day of the Month, and continue to the Fifteenth; in the Reſt they begin at the Sixth, and End at the Thirteenth. But here obſerve, that only the laſt Day is called the *Ides*, the firſt being termed the eighth *Ides*, the Second, the Seventh, that is, the Eight or Seventh before the *Ides*, and ſo of the Reſt, and therefore when we ſpeak of the *Ides* of ſuch a Month, we muſt underſtand it of the Fifteenth or Thirteenth Day of that Month. See *Calends.*

Ideot Is a Word in *Greek* properly ſignifying a private Man, who has no publick Office. Among the *Latins* it is taken for *illiteratus*, *imperitus*, and in our Law for *non compos mentis*, or a natural Fool. The Words of the Stat. 17 *E.* 2. *c.* 9. are *Rex habebit cuſtodiam terrarum fatuorum naturalium*, whereby it appears he muſt be a natural Fool, that is, a Fool *a Nativitate*: For if he was once Wiſe, or became a Fool by Chance or Misfortune, the King ſhall not have the Cuſtody of him. *Staundf. Prærog. cap.* 9. *F. N. B. fol.* 232. If one have Underſtanding to meaſure a Yard of Cloth, number Twenty, rightly name the Days of the Week, or to beget a Child, he ſhall not be counted an *Ideot*, or natural Fool, by the Laws of the Realm. See 4 *Rep. Beverly's* Caſe.

Ideota inquirendo vel examinando, Is a Writ to the Eſcheator or Sheriff of any County, where the King hath Notice that there is an *Ideot* naturally born, ſo weak of Underſtanding, that he cannot govern or manage his Inheritance, to call

before him the Party ſuſpected of *Ideocy*, and examine him: And alſo to inquire by the Oaths of Twelve Men whether he be ſufficiently witted to diſpoſe of his own Lands with Diſcretion or not, and to certify accordingly into the Chancery; for the King hath the Protection of his Subjects, and by his Prerogative the Government of their Lands and Subſtance that are naturally defective in their own Diſcretion. Stat. *de Prærog. Regis, edit.* 17 *E.* 2. *cap.* 8. whereof read *Staundf. Prærog. cap.* 9. and of this Writ read *F. N. B. f.* 232. and *Reg. Orig. fol.* 267.

Idleman. *Item quod nullus manuteneat nec ducat* Kernes *nec gentes vocatas* Idlemen, *niſi in Marchiis ſuis propriis.* Pat. 5 Ed. 3. p. 1. m. 25.

Idoneum ſe facere. Idoneare ſe, To purge himſelf by Oath of a Crime of which he is accuſed. *Leg. H.* 1. *cap.* 75. where the Word *Idoneus* is taken for *Innocens.*

Idumanus Fluvius, *Blackwater* in *Eſſex.*

Jejunum, (*Purgatio per Jejunium.*) 'Tis mentioned *in Leg. Canuti cap.* 7. *apud Brompton*, viz. *Cum Sociis ſe purget, vel* Jejunum *ineat, ſi opus eſt, & applicetur ad corſned, & fiat voluntas Dei.*

Jeman, ſometimes uſed for *Yeoman. Sciant* —— *quod ego Johannes Smith de Bromyard in Com. Hereſ.* Jeman *dedi Ricardo Wiggemore Arm. omnia terr. & Tenementa, &c.* Dat. 10 Jan. An. 9 H. 6. This in *Dutch* ſignifies *aliquis.*

Jeofayle Is a Compound of three *French* Words *j'ay faille*, i. *ego lapſus ſum*, and in a legal Senſe denotes an Overſight in Pleading, or other Law-Proceedings; touching which you have a Statute 32 *H.* 8. 30. whereby it is enacted. *That if the Jury have once paſt upon the Iſſue, though afterward there be found a* Jeofayle *in the Pleading, yet Judgment ſhall likewiſe be given according to the Verdict of the Jury.* See *Bro.* Tit. *Repleader.* The Author of the *New Terms of Law* ſaith, That a *Jeofayle* is, when the Parties to any Suit have in Pleading proceeded ſo far, that they have joined Iſſue, which ſhall be tried, or is tried by a Jury, and this Pleading or Iſſue is badly pleaded or joined, that it will be Error if they proceed: Then ſome of the ſaid Parties may, by their Counſel, ſhew it to the Court as well after Verdict given, and before Judgment, as before the Jury be charged; the Shewing of which Defects, before the Jury charged, was often, when the Jury came into Court to try the Iſſue; then the Counſel which will ſhew it, ſhall ſay, *This Inqueſt you ought not to take*; and if it be after Verdict, then he may ſay, *To Judgment you ought not to go:* And becauſe of this many Delays grew in Suits, for the Redreſs of which divers Statutes were made, *viz.* 32 *H.* 8. 30. before-mentioned, and others in Queen *Elizabeth* and King *James* his Days, *viz.* 18 *El.* 14. 12 *Jac.* 13. yet the Fault is little amended.

Jeſſe, A Branch, or large Candleſtick of Braſs branched into ſeveral Sconſes, and hanging down in the Middle of a Church or Choir, to ſpread the Light to all Parts. This Invention was firſt called *Arbor Jeſſæ* and *Stirps Jeſſæ*, from the Similitude to the Branch or Genealogical Tree of *Jeſſe.* This uſeful Ornament of Churches was firſt brought over into *England* by *Hugh de Flory*, Abbot of St. *Auſtins* in *Canterbury* about the Year 1100. as thus recorded by the Hiſtorian of that Abbey. *Pulpitum etiam in Eccleſia fecit, candelabrum etiam magnum in choro æreum, quod* Jeſſe *vocatur, in partibus emit tranſmarinis.* Chron. Will. Thorn. *p.* 1796.

Jetſen, Jetzon and Jotſon; From the *French Jetter, ejicere*, is any Thing thrown out of a Ship, being in the Danger of Wreck and by the Waves driven to the Shore. See *Flotſon, Co. lib.* 5. *f.* 106.

Jewe, *Judæi.* See *Judaiſm.* Anciently we had a Court of the Juſtices aſſigned for the Government of the *Jews.* See 4 *Inſt. fol.* 254. *Rex*——*Vic. Wigor. ſalutem. Præcipimus tibi quod clamari & obſervari facias per totam Ballivam tuam, quod omnes Judæi deferant in ſuperiori indumento ſuo ubicunque ambulaverint vel equitaverint infra villam vel extra, quaſi duas tabulas albas in pectore factas de lineo panno vel de pergameno, ita quod per hujuſmodi ſignum manifeſte poſſint* Judæi *a Chriſtianis diſcerni.* T. *comite apud* Oxon, 30. *Martii* Clauſ. 2 *H.* 3. *p.* 1. 10. in Dorſo.

Ifungia, *i. e.* the fineſt white Bread, formerly called Coked Bread.

Dic panem, lapidem, quoque dic Ifungia, *Quare?*
Hoc quia de facili fungitur omnis homo.

Ignis Judicium, Purgation by Fire, or the old judicial fiery Trial. See *Ordeal.*

Ignitegium, The eight a Cloek Bell, ſo called (as in old Engl. *Curfew, Covre feu, i. e.* Cover-Fire,) becauſe the Conqueror *Will.* 1. ordered his Subjects at that Hour upon the Signal of a Bell, or other Sound, to put out their Fires and Lights. When this Cuſtom of extinguiſhing did by Degrees it ſelf expire, yet the Ringing of a Bell at eight in the Evening, being ſtill kept up, was long after called by the ſame Name. As in the Statutes and Cuſtoms of St. *Paul's* Church in *London*, collected by *Ralph Baldock* Dean, about the Year 1300. it is ordained, *ut ſervientes oſtia Eccleſiæ claudent tempore yemali poſt initium pulſationis Complitorii ibidem, & tempore æſtivali poſt initium pulſationis* ignitegii, *apud Sanctum Martinum. MS.* Statuta Eccleſ. Paulinæ.

Ignoramus Is a Word properly uſed by the Grand Inqueſt, impanelled in the Inquiſition of Cauſes criminal and publick, and written upon the Bill, when they miſlike their Evidence as defective, or too weak, to make good the Preſentment; the Effect of which Word ſo written is, that all farther Enquiry upon that Party for that Fault is thereby ſtopped, and he delivered without further Anſwer. It hath a Reſemblance of that ancient Cuſtom of the *Romans*, where the Judges, when they abſolved a Perſon accuſed, did write *A.* upon a little Table provided for that Purpoſe, *i. Abſolvimus*; if they judged him guilty, they writ *C. id eſt, Condemnamus*; if they found the Cauſe difficult and doubtful, they writ *N. L.* that is, *Non liquet. Aſconius Redianus in oratione pro Milone, Alexander ab Alexandro. Genial. dierum*, Lib. 3. c. 14.

Jinieta. *Item apud Poulton* xx *boves, pretium bovis* vi *ſol.* viii *boviculos, pretium cujuſlibet* ii s. viii jinietas, *pretium cujuſlibet* ii s. i *Affrum* v *ſol.* Chartular. Abbat. Glaſton. *MS. fol.* 60. Let the Curious enquire, whether *Finieta* ſignifies a Colt, a young Horſe, a *Jennet*, or not rather a Heifer, a young Cow, which in ſome old *Latin* was *Junix* and *Junieta, quaſi* Junior *Vacca.*

Ikenild-ſtreet Is one of the four famous Ways that the *Romans* made in *England*, called *Stratum Icenorum*, becauſe it took Beginning *ab Icenis*, which were the People that inhabited *Norfolk, Suffolk*, and *Cambridgeſhire. Cambd. Brit. f.* 343. *Leg. Edw. Conf. c.* 12. See *Watling-ſtreet.*

Ilchester. See *Iscalis.*

Ilet, by Contraction an Eight, *i. e.* a little Island.

Illeviable, That may or cannot be levied, and therefore *Nihil* is a Word set upon a Debt *Illeviable.*

Illuminare, To *illuminate*, to draw in Gold and Colours the initial Letters, and the occasional Pictures in Manuscript Books. ——— *Ita ut ipse Episcopus libros scribere*, illuminare, *& ligare non fastidiret.* Brompton, *sub anno* 1076. Those Persons who particularly practised this Art, were called *Illuminatores*, whence our *Limners.*

Imbargo, A Stop or Stay, most commonly upon Ships by publick Authority. 18 *Car.* 2. *cap.* 5.

Imbezle or Imbesil, To Waste, Scatter and Consume; as if a Person intrusted with Goods, waste and diminish them, we say, He hath *imbesil'd* the Goods. 14 *Car.* 2. *c.* 31.

Imblocare. See *Excommunication.*

Imbracery. See *Embracery.*

Imbren. *Ember-Days.* The four *Ember-Weeks*, or solemn Seasons for Ordination: First used as quarterly Fasts to pray for the Fruits of the Earth; they are mentioned in the Council of *Ænham*, *anno* 1009. *c.* 16. and in the Laws of King *Alfred. cap.* 39.

Imbreviate, (Stat. 37 Ed. 3, 4.) *imbreviare: In Schedulam* (*quod* breve *vocant*) *rem conscribere, redigere: Scripto breviter mandare.*

Imbrocus, A Brook, a Gut, a Water-passage. ——— *Totum nostrum* imbrocum *de Blakeburn, sive prædictus* brocus *sit major sive minor, cujus* broci *longitudo ex australi parte incipit ad partem de* Oxenal, *& ducit super aquam de* Limenal. *Somner of Ports and Forts*, p. 43.

Impalare, To put in the Pound. *Leg. Hen.* 1. *cap.* 9.

Impanulare, To *Impanel* a Jury. A Privilege was sometimes granted, that a Person should not be *impanelled*, or returned upon a Jury. ——— *Non ponatur nec* impanuletur *in aliquibus Assisis, Juratis, Recognitionibus, &c.* Paroch. Antiquit. *pag.* 657. See Mr. *Kennet's Glossary.*

Imparlance, (*Interlocutio* or *interloquela*) is a Motion or Petition made in Court by the Tenant or Defendant, upon the Count of the Demandant or Declaration of the Plaintiff; whereby he craves Respite, or a farther Day to put in his Answer. See *Brook*, Tit. *Continuance. Imparlance* is *general* or *special. Special* is with this Clause, *Salvis omnibus advantagiis, tam ad jurisdictionem Curiæ, quam ad Breve & Narrationem. Kitchin, f.* 200. *General* is that which is made at large, without inserting that, or the like Clause. See *Emparlance.*

Imparsonee, As Parson *imparsonee*, *Persona imparsonata*, is he that is inducted, and in Possession of a Benefice. *Dyer, f.* 40. *num.* 72. says a Dean and Chapter, are Parsons *imparsonees* of a Benefice appropriate unto them.

Impeachment of Waste, *Impetitio vasti*, cometh of the French *Empeschment*, i. *impedimentum*, and signifies a Restraint from committing of *Waste* upon Lands and Tenements. See *Waste.* And therefore he that hath a Lease without *Impeachment of Waste*, hath by that a Property or Interest given him in the Houses and Trees, and may make *Waste* in them without being *impeached* for it, that is, without being questioned, or demanded any Recompence for the *Waste* done. See *Co. lib.* 11. *Bowle's* Case, *f.* 82.

Impechiare, (French *Empescher.* Latin *Impetere.*) To impeach, to accuse and prosecute for Felony or Treason, ——— *Et promisit Regi Navarræ quod nunquam eum* impechiaret *pro morte dicti* Caroli *de* Hispania. Hen. de Knighton, sub anno 1256. *Spelman* and *Somner* tell us, That it is derived from the Lat. *Impetere*, which is to accuse, or *in jus vocare*, from whence *impetitio* signifies an Accusation, *viz. sine impetitione vasti*, is without impeaching or accusing him of Waste.

Impediatus, *Expeditatus, Impediati canes*, Dogs *lawed* and disabled from doing Mischief in the Forests, and Purlieus of them. ——— *Omnes canes infra forestam solebant esse* impediati *aut amputati sinistro ortello.* ———

Impediens, *Hæc est finalis concordia facta in Curia Domini Regis apud West. in octabis Sancti Hillarii, Anno Regni Regis Henrici Filii Regis Johannis Septimo, coram Thoma de Multon, &c. Inter Willielmum de Mohun querentem & Will. Brewere* impedientem *de Manerio de Clynton, &c. Et unde Placitum de Escambio faciend. summonit. fuit inter eos in eadem Curia, &c.* Where *Impedientem* seems to be used for *Defendentem* or *Deforcientem.*

Imperiale, *i. e.* a Sort of very fine Cloth. *Item tunica de* Imperiali *cum arboribus rubris & leonibus aureis, &c.*

Impescatus, Impeached, accused, *Burgenses & Piscatores Civitatis nostræ London, super illicitis negotiationibus, &c. calumpniati essent coram nobis &* impescati. Pat. 18 Ed. 1. p. 1. m. 15. intus.

Impetitio, Accusation or Impeachment. As *sine* impetitione *vasti*, or *sine impedimento vasti*, *i. e.* without Impeachment of Waste; the Party shall not be questioned or accused for any Waste.

Impetration, (*Impetratio*) an obtaining by Request and Prayer. It is used in our Statutes for the Pre-obtaining of Benefices and Church-Offices in *England*, from the Court of *Rome*, which did belong to the Gift and Disposition of our Lord the King, and other Lay-Patrons of this Realm. The Penalty whereof was the same with *Provisors.* 25 *Ed.* 3. See 38 *Ed.* 3. *Stat.* 2. *cap.* 1.

Impierment (*Anno* 23 *H.* 8. *cap.* 9.) signifies as much as impairing or prejudicing. For the Words of the Statute are, *To the* Impierment *and Diminution of their good Name.*

Implead, (From the Fr. *Plaider*) to sue, arrest or prosecute by Course of Law.

Implements Cometh either of the *French* Word *Employer*, to employ; or the Latin *Impleo*, to fill up, and is used for all Things necessary for a Trade, or Furniture of a Household: And in that Sense you shall often find the Word used in Wills, and Conveyances of Moveables.

Impost Is a *French* Word signifying Tribute, and derived of the Verb *Imposer*, i. *injungere*, and signifieth the Tax received by the Prince, for such Merchandise as are brought into any Haven within his Dominions from Foreign Nations. 31 *Eliz.* 5. It may in some sort be distinguished from Custom, because Custom is rather that Profit the Prince maketh of Wares shipped out; yet they are frequently confounded.

Impress-Money, *i. e. Money* paid at listing of Soldiers: From the Preposition *In*, and Fr. *prest*, *paratus.*

Impretiabilis Is a Word often mentioned in *Matt. Pariſ.* and it ſignifies invaluable.

Imprimery, A Print, Impreſſion; alſo the Art of Printing, and likewiſe a Printing-houſe. *Anno* 4 *Car.* 2. *cap.* 23.

Imprimi, Thoſe who ſide with, or take Part with another, either in his Defence or otherwiſe: 'Tis often mentioned in *Matt. Weſtm. viz. Juramentum ex parte Regis Anglorum fuerat violatum dum* Impriſii *ſui ob graviſſimam redemptionem ſunt redempti*, pag. 282. ſo in another Place, *omnes homines &* Impriſii *Domini Ludovici, &c.* So in Matt. Pariſ. *pag.* 127. *quod nos erimus* Impriſii *ejuſdem Regis, &c.*

Imprisonment, *Impriſonamentum*, Is the Reſtraint of a Man's Liberty, whether it be in the open Field, or in the Stocks, or Cage in the Streets, or in a Man's own Houſe, as well as in the Common Gaol. And in all theſe Places the Party ſo reſtrained is ſaid to be a Priſoner, ſo long as he hath not his Liberty freely to go at all Times, to all Places whither he will, without Bail or Mainpriſe.

Improprіation, Of which there are in *England* 3845. It is properly ſo called, when it is in the Hands of a Layman, and *Appropriation* when in the Hands of a Biſhop, College, or Religious Houſe, though ſometimes they are confounded. See *Appropriation.*

Improvement. See *Approvement.*

Improuiare, To improve Land. *Impruiamentum*, the *Improvement* ſo made of it.—— *Nunquam liceat pr. dicto A. nec hæredibus ipſius paſturam de averiis ſuis onerare, nec aliquid* impruiamentum *noſtrum alicui in prædicto manerio unquam impedire.* Chartular. Abbat. Glaſton. MS. fol. 50. a. *Breve de nova diſſeiſina ſuper* impruiamentis *factis in moris de Sowy—— remiſit omnem querelam pro* xii. *acris* impruiandis *in eadem mora. ib.*

In alto & imo, The ſame with *Alto* and *Baſſo*, which ſee.

Inblaura, Profit or Product of Ground.—— *Quoddam meſſuagium cum uno ferdello terræ in Manerio de Wrington—— cum tota* inblaura *in perpetuum reſignavit.*—— Chartular. Glaſton. MS. f. 70.

Inborh & Outborh, Saxon. *Vide Cambden's Britan.* in *Ottadinis*, Where he ſays, ſpeaking of *Edelingham*, the Barony of *Patrick* Earl of *Dunbare*, which alſo was *Inborow* and *Outborow* between *England* and *Scotland*, as we read in the Book of *Inquiſitions*, that is, (as he believes) he was to allow and to obſerve in this Part the Ingreſs and Egreſs of thoſe that travelled to and fro between both Realms; for *Engliſhmen* in ancient Time called in their Language an *Entry* and *Fore-Court* or *Gatehouſe*, Inborow.

Incaſtellare, To reduce a Thing to ſerve inſtead of a Caſtle; the Word is often applied to Churches, as in *Gervaſ. Dorob. Anno* 1144. *viz. Qui poſt mortem patris eccleſiam* Incaſtellatam *retinebat.* So in *Malmſbury. Eccleſiam B. Mariæ Genetricis Dei Lincoln.* incaſtellaverat.

In caſu conſimili Is a Writ. See *Caſu conſimili.*

In caſu proviſo Is a Writ. See *Caſu Proviſo.*

Incauſtum. See *Encauſtum.*

Inchanter, *Incantator*, Is he that by Charms or Verſes conjures the Devil. *Qui carminibus vel cantiunculis Dæmonem adjurat.* The Ancients called them *Carmina*, becauſe in thoſe Days their Charms were in Verſe. 4 *Par. Inſt. fol.* 44.

Inchantreſs, *Incantatrix*, Is a Woman that uſes Charms and Incantations. See *Inchanter.*

Inchartare, To give any Thing by an Inſtrument in Writing: *Conceſſit ipſi Comiti terram ipſam &* inchartavit *poſt aliquot annos, ut poſſeſſio ſua ſic firmius roboretur.* Matt. Pariſ. Anno 1252.

Incident, *Incidens*, ſignifies a Thing neceſſarily depending upon another as more principal. For Example, a Court-Baron is ſo *incident* to a Manor, and a Court of Pypowders to a Fair, that they cannot be ſevered by Grant; for if a Manor or Fair be granted, theſe Courts cannot be ſevered. *Kitchin, fol.* 36. See *Co. on Litt. fol.* 151.

Inclaudare, 'Tis mentioned in the *Monaſticon*, 2 tom. *p.* 598. and ſignifies to fetter a Horſe, *viz. Et ſi* Inclaudet *palefridum Regis dabit ei palefridum* 4 *marcarum, &c.*

Inclauſa, A Home-Cloſe, or Incloſure near the Houſe.—— *Dicunt per ſacramentum ſuum, quod capitale meſſuagium valet per annum cum tota* Inclauſa. 11 *ſol. Paroch. Antiquit. pag.* 31.

Incopolitus, A Proctor or Vicar: *Prohibeo ne ſummoneas monachos, &c. ut eant ad Hundreda, nec ad ſirras, ſed* Incopolitos *ſuos, vel unum ex hominibus ſuis mittant.* Leg. H. 1. Monaſt. 1 Tom. pag. 1023.

Incrementum.—— *Dedi* J. B. *Quoddam* Incrementum *terræ meæ apud* D. *&c.* by which is meant a Parcel of Land incloſed out of common or waſte Ground. But the Word was more often uſed for Advance in Rent or other Payment.—— *Reddendo antiquam firmam & de* incremento xi s. Paroch. Antiquit. pag. 164. *Taxatio Spiritualitatis una cum* incremento *per relaxationem.* ibid. pag. 316. To which was oppoſed *decrementum*, Abatement, whence *Decrements* in the Buttery-Books, on Accounts of batteling in *Oxford.*

Incroach, *Incrociare.* See *Encroachments.* Admirals and their Deputies do incroach to themſelves Juriſdictions, &c. 15 R. cap. 4.

Incumbent Is a Derivative from the *Latin* Verb *Incumbo*, to mind diligently, and is a Clerk Reſident on his Benefice with Cure, *Co. on Litt. f.* 119. and called *Incumbent* of that Church, becauſe he doth or ought to bend his whole Study to diſcharge his Cure. 10 *H.* 6. 7. and 1 & 2 *P. & M. cap.* 17.

Incurramentum Is uſed in *Rot. Vaſc.* 17 *E.* 1. *M.* 13. For incurring a Penalty, or becoming ſubject to a Fine or Amercement. So *incurri alicui*, to be liable to another's legal Cenſure or Puniſhment. As in the Stat. 2 *Weſtm. c.* 37. *Statutum eſt quod ejuſmodi Tenentes capitalibus Dominis aut Regi* incurrantur.

Indecimable, *Indecimabilis*, That is not tithable, or ought not to pay Tithe. 2 *Par. Inſt.* 490.

Indefeiſible, That cannot be defeated, undone, or made void: As, *A good and* indefeiſible *Eſtate, &c.*

Indefenſus, One that is impleaded, and refuſeth to Anſwer. *Et prædictus Judæus nihil ſciſcit dicere contra ſectam dicti Ricardi, nec voluit ponere ſe in Inquiſitionem aliquam. Conſideratum eſt, quod tanquam* indefenſus *ſit in miſericordia, &c.* Communia de Mich. 50 Hen. 3. Rot. 4. intus.

Indemnities: When a Church is appropriate to an Abbey or College, then the Archdeacon for

ever loſeth his Induction-Money, in Recompence whereof, he ſhall have yearly out of the Church ſo appropriate xii *d.* or ii *s.* more or leſs, for a yearly Penſion, as it is agreed at the Time of the appropriating: And his Payments are called *Penſions* or *Indemnities*. *MS. in Bibl. Cott. ſub effigie Cleopatræ. F.* 1. *fol.* 84. *a.*

Indenture, (*Indentura*) Is a Writing comprising ſome Contract, Conveyance or Covenant between two or more, and being *indented* in the Top anſwerable to another Part, which hath the ſame Contents, it thence takes its Name; and differs from a *Deed-Poll*, which is a ſingle Deed unindented. *Coke on Littl. fol.* 229. I have ſeen a Deed of Agreement, (*tempore Edw.* 1.) concluding thus, *In cujus rei teſtimonium alterius ſcripto in medio inciſo Sigillum ſuum appoſuit.* This the *Greeks* call'd σύγγραφον or συγγραφὴν, which the *Civilians* have defined to be *Scriptura inter creditorem & debitorem* indentata, *in cujus ſciſſura literis capitalibus hæc dictio* Συγγραφὴ, or plurally τα σύγγραφα, *ſcribitur*; and it differs from χειρόγραφον, *quia hoc manu unius tantum puta debitoris ſcribitur, & penes dibitorem relinquitur. Pruinr. conſtitut. de Offic. archidiacano.* cap. *prim.* verbo *in ſcriptis.*

Indicavit Is a Writ or Prohibition that lieth for a Patron of a Church whoſe Clerk is Defendant in Court-Chriſtian, in an Action of Tithes commenced by another Clerk, and extending to the fourth Part of the Church, or of the Tithes belonging to it; for in this Caſe the Suit belongeth to the King's Court by the Stat. *Weſtm.* 2. *cap.* 5. Wherefore the Patron of the Defendant, being like to be prejudiced in his Church and Advowſon, if the Plaintiff obtain in the Court-Chriſtian, hath this Means to remove it to the King's Court. *Reg. Orig. fol.* 35. See *Old Nat. Brev. fol.* 31. and *Britton, cap.* 109.

Indicted, (*Indictatus*) When any one is accuſed by Bill or Declaration, and preferred to Jurors at the King's Suit, for ſome Offence, either criminal or penal, he is ſaid to be *indicted* thereof. *Item utimur quod ſi aliquis Comburgenſium noſtrorum ſit* indictatus *ſemel, bis vel ter, aut pluries, in aliquo caſu Coronæ, non obſtante quod non ſit convictus, inveniet ſufficientem ſecuritatem de bene gerendo ſe erga Balivos, &c. Quia dicitur in Communi Lege, quod tales ſunt reprobati & attincti, & per Leges & Conſuetudines dicti Burgi, tales non ſunt accepti ad Placita, nec ad Judicium inter nos dandum, quia exeunt a Conditionibus noſtris.* MS. Codex de LL. Statutis & Conſuetud. Burgi Villæ Mountgomer. a temp. Hen. 2. fol. 16.

Indictio, The ſame with Indictment: *Nonnunquam enim fiunt Accuſationes de Foreſta, & Indictiones vulgariter ſic appellatæ.* Du Cange. Sometimes it is taken for the Space of Fifteen Years.

Indiction, (*Indictio, ab indicendo*) The Space of fifteen Years, by which Account Charters and publick Writings were dated at *Rome*, and anciently in *England* too, every Year ſtill increaſing one, till it came to fifteen, and then returning to one again; which Account of Time began at the Diſmiſſion of the *Nicene* Council, *Anno* 312. *Facta ſunt hæc Anno Dominicæ Nativitatis* 904. Indictione 8. *Regni vero Eadgari Anglorum Regis ſexto. Charta Eadgari Regis Oſwaldo Epiſcopo Wergeceaſtre.* And a Charter of King *Hen.* 3. dated *apud Chippeham*, 18 *die April.* Indictione *nona*, *Anno Domini* 1266.

Indictment or **Endictment**, *Indictamentum*, cometh of the French *Enditer*, *indicare*; or according to Mr. *Lambard*, from the Greek ἐνδείκνυμι. *Eirenar. lib.* 4. *cap.* 5. *pag.* 468. It ſignifies in our Common Law as much as *Accuſatio* in the Civil Law, though in ſome Points it differ. *Weſt. par.* 2. *Symb. Tit. Inditements*, defineth it thus, An *Indictement* is a Bill or Declaration made in Form of Law (for the Benefit of the Commonwealth) exhibited as an Accuſation of one for ſome Offence, either criminal or penal unto Jurors, and by their Verdict found and preſented to be true, before an Officer having Power to puniſh the ſame Offence. It ſeems to be an Accuſation, becauſe the Jury that enquireth of the Offence, doth not receive it, until the Party that offereth the Bill appearing, ſubſcribe his Name, and proffer his Oath for the Truth of it. It is always at the Suit of the King, and differs from an Accuſation in this, that the *Proferrer* is no Way tied to the Proof thereof upon any Penalty, if it be not proved, except there appear Conſpiracy. See *Smith de Rep. Angl. lib.* 2. *cap.* 19. *Staund. pl. cor. lib.* 2. *cap.* 23, 24. *ſic uſq; ad* 34. *Enditements* of Treaſon ought to be very exactly and certainly penned. *Co.* 7 *Rep. Calvin's* Caſe; and they muſt contain the Day, Year and Place. See 37 *H.* 8. *cap.* 8. and 3 *par. Inſt. fol.* 134.

Indictor Is he that *indicteth* another for any Offence. 1 *E.* 3. *cap.* 11. And *Indictee* is he that is *indicted.* 21 *Jac. cap.* 1.

Indiſtanter, Without Delay. *Matt. Weſtm. Anno* 1244. Indiſtanter *remeavit.*

Indiviſum Is uſed for that which Two hold in Common, without Partition. *Kitchin, fol.* 421. in theſe Words, He holds *pro indiviſo, &c.*

Indolis, *i. e.* A ſtudious young Man, or a Youth. *Ego Edgar* Indolis *Clito conſenſi.* Mon. Angl. 3 Tom. pag. 120.

Nititur indolem *claris parentibus ortum*
Flectere cum precibus, &c.

Indorſement, *Indorſamentum*, Is any Thing written on the Back of a Deed, as a Condition written on the Back of an Obligation is commonly called *An Indorſement. Weſt. Symbol. part* 2. *ſect.* 157. The *Sealed and Delivered*, &c. on the Back of an Indenture is called the *Indorſement.*

Induction, *Inductio*, A leading into: It is moſt commonly taken for the giving Poſſeſſion to an Incumbent of his Church, by leading him into it, and delivering him the Keys, by the Commiſſary, or Biſhop's Deputy, and by his ringing one of the Bells. *Croke, Rep.* 3 *part. fol.* 258.

In eſſe, 21 *Jac. cap.* 2. *In Being:* The Learned make this Difference between Things *in eſſe*, and Things *in poſſe*; as a Thing that is not, but may be, they ſay, Is *in Poſſe*, or *Potentia*; but a Thing apparent and viſible, they ſay, Is *in eſſe*, that is, has a real Being *eo inſtanti*, whereas the other is caſual, and but a Poſſibility. As, a Child before he is born, or even conceived, is a Thing *in Poſſe*, or which may be: After he is born, he is ſaid to be *in eſſe*, or actual Being.

Inewardus, *Inwardus*, A Guard, a Watchman, one ſet to keep Watch and Ward.—— *In Limunare Leſt in Breſennei habet Rex conſuetudinem ſ.il.* 11 *caretas, & 11 ſticas anguillarum pro uno* Inewardo,

do, & *de uno ingo de Northbnyge* xii. *denarios aut unum* Inewardum & *de Dena* xviii. *denarios*, & *de Garra unum* Inewardum. Lib. Domesday Chenth. *Quando Rex venatui insiabat de unaquaq; domo per consuetudinem ibat unus homo ad stabilitionem in silva. Alii homines non habentes integras masuras inveniebant* inewardos, *ad aulam quando Redierant in civitate.* ——Lib. Domesday. Herefordshire.

Infalistatus: This Word occurs only in *Ralph de Hengham, Summa parva*, cap. 3. *vir commisit feloniam ob quam fuit suspensus, utlagatus, vel alio modo morti damnatus, vel dememberatus, vel apud Dovere* infalistatus, *vel apud Southampton submersus, vel apud Winton dememberatus, vel decapitatus, ut apud Northampton: vel in mari superundatus, sicut in aliis partibus portuum.*—— Mr. *Selden* in his Notes on that Author, says thus, "It appears "that several Customs of Places made in those "Days capital Punishments several. But what is "*infalistatus*? In Regard of its being a Custom "used in a Port-Town, I suppose it was made "out of the *French* Word *Falize*, which is *fine* "*Sand by the Water Side*, or a *Bank of the Sea.* "In this Sand or Bank it seems their Execution "at *Dover* was". The elaborate *Du-Fresne* does condemn this Derivation and this Sense of the Word, but yet gives no better. And therefore till we have more Authority, we may conclude that *infalistatus* did imply some capital Punishment inflicted on the Sands or Sea-Shore: Perhaps *Infalistatio* was Exposing the Malefactor to be laid bound upon the Sands, till the next full Tide carried him away; of which Custom if I forget not, there is some dark Tradition. However I believe the Penalty took Name from the Norman *Falese*, *Falesia*, which signified not only the Sands, but rather the Rocks and Cliffs adjoining or impending on the Sea-Shore. See the like Use of *Falesia* in *Mon. Angl. tom.* 2. *pag.* 165. *b.*

Infang alias **Infeng**, *Significat quietantiam prioris prisæ ratione convivii.* Fleta, lib. 1. cap. 47.

Infangthefe, Umfangthefe or **Infangtheof**, Is compounded of three *Saxon* Words; the Preposition *In*, *fang* or *fong*, to take or catch, and *thefe*, a Robber: It signifieth a Privilege or Liberty granted unto Lords of certain Manors to judge any *Thief* taken within their Fee. *Bracton, lib.* 3. *tract.* 2. *cap.* 35. saith, *Dicitur* Infangthef *latro captus in terra alicujus de hominibus suis propriis, seisitus* Latrocinio. Utfangthefe *vero dicitur latro extraneus, veniens aliunde de terra aliena & qui captus fuit in terra ipsius, qui tales habet libertates*, &c. In the Laws of King *Edward the Confessor*, set out by Mr. *Lambard*, cap. 26. you have it thus described. Infangthefe, *justitia cognoscentis latronis sua est, de homine suo, si captus fuerit super terram suam: Illi vero qui non habent has consuetudines coram justitia Regia rectum faciant in Hundredis*, &c. Infangthef, *i. e. Quod* latrones *capti in Dominio vel feodo* Prioris, & *de latrocinio convicti in Curia Domini Prioris judicentur, & ad furcas ejus suspendentur.* Ex Reg. Priorat. de Cokesford. So that it was necessary the Thief should be taken in his Lordship, and with the Goods stolen, otherwise the Lord had not Jurisdiction to try him in his Court; but by the Laws of *Edward the Confessor*, he was not restrained to his own People or Tenants, but he might try any Man who was thus taken in his Manor: The Definition hereof see also in *Britton, fol.* 90. and *Rog. Hovenden, part. poster. suor. annal. fol.* 345. And *Skene* de verb. signif. who writeth of it at large, reciting Diversity of Opinions touching this, and *Outfangthefe*. *Fleta, lib.* 1. *cap.* 47. says, *Infangthefe* (for so he writes it) *dicitur latro captus in terra alicujus, seisitus aliquo latrocinio de suis propriis hominibus.* Anno 1 & 2 P & M. cap. 15.

Infant, *Infans*, Before the Age of one and twenty Years, a Man or Woman is called an *Infant* in the Law. *Co. on Lit. lib.* 1. *cap.* 21. & *lib.* 2. *cap.* 28. An *Infant* of eight Years of Age, or above, may commit *Homicide*, and be hanged for it, *viz.* if it may appear by hiding the Person, by excusing, or by any other Act that he had Knowledge of Good and Evil, and of the Danger of the Offence, for here *Malitia supplebit ætatem*; yet *Co.* upon *Litt. sect.* 405. saith, That an *Infant* shall not be punished till the Age of fourteen, which, says he, is the Age of Discretion.

Infensare Curiam, *i. e.* To inform the Court. *Nec debet Judex facere se partem in aliquo placito, &c. nisi ad* Infensandam Curiam, &c.

Infideles, Heathens. *Inter infideles connumerare*, to excommunicate. So *Henry* Bishop of *Winchester* threatned *Brien Fitz Count*, Lord of *Walingford*, in the Reign of King *Stephen.*—— *Et vos (quod tamen mihi confiteri grave est, nec cordi meo sedet) nisi correxeritis, inter* infideles *Angliæ connumerabo.* Paroch. Antiquit. pag. 100. When the Popes of *Rome* gave empty Titles to some Bishops, assigning them to remote and imaginary Sees, they were said to be Bishops *in partibus* Infidelium.

Infirmarius: In Monasteries, there was an Apartment allotted for infirm or sick Persons; and he who had the Care or Custody of this *Infirmaria* was called *Infirmarius.* See *Mat. Par. sub anno* 1252. *Tho. Stubb, sub anno* 1285. *Will. Thorne, sub anno* 1128, &c.

Inforestare. See *Afforestare.*

In forma pauperis: When any Man that hath a just Cause of Suit either in the Chancery, or any other the Courts of Common Law, will come either before the Lord Keeper, Master of the Rolls, either of the Chief Justices, or Chief Baron, and make Oath, that he is not worth five Pounds, his Debts paid, either of the said Judges will in his own proper Court admit him to sue *in forma Pauperis*, and he shall have Counsel, Clerk or Attorney assigned to do his Business, without paying any Fees.

Information for the King, *Informatio pro Rege*, Is the same that for a common Person we call a Declaration, and is not always done directly by the King, or his Attorney, but sometimes by another, *qui sequitur tam pro Domino Rege quam pro seipso*, upon the Breach of some penal Law or Statute, wherein a Penalty is given to the Party that will sue for the same; and may be either by Action of Debt or Information. See *Indictment.*

Informatus non sum, or more truly **Non sum Informatus**, Is a formal Answer made of Course by an Attorney, that is commanded by the Court to say what he thinketh good in Defence of his Client, who being not instructed to say any Thing material, says; He is not *informed*, by which he is deemed to leave his Client undefended, and so Judgment passeth for the adverse Party. See the *New Book of Entries, Tit. Non sum informatus*, and *Judgment* 12.

Informer, *Informator*, Is any one who *informs* or profecutes, in any of the King's Courts of Common Law, *viz.* Exchequer, King's Bench, Common Pleas, Aſſiſes or Seſſions, thoſe that offend againſt any Law, or penal Statute: Theſe, in ſome Caſes, are called *Promoters*; the *Civilians* term them *Delatores*.

Infortiatum Is one Part of the Digeſts of the Civil Law, and was ſo called by *Robert Swapham*, in a Chronicle of the Monaſtery of *Peterborough* who lived in the Reign of *H.* 3. who tells us That *Benedict*, an Abbot of that Monaſtery, who died in the Year 1194. deſcribed ſeveral Law Books, among the Reſt, the *Inſtitutions of Juſtinian*, with the *Authenticks*, the *Infortiatum*, the *Old Digeſt*, &c.

Infrang Is derived from the Preposition, *In*, and Sax. *Freah*, *i. e.* Free: 'Tis an Exemption from a Mulct for Manſlaughter.

Infugare, To put to Flight: 'Tis mentioned *in Leg. Canuti*, *cap.* 32. *viz. Qui forisbannitum paverit, vel ei firmationem aliquam exhibuerit, emendet Regi* 5 *lib. niſi ſe adlegiet quod* Infugatum *eum neſciebat.*

Infula Was the Garment of a Prieſt, like that which we now call a Caſſock; ſometimes it ſignifies a Coif.

Inge: This Syllable, in the Names of Places, ſignifies a Meadow or Paſture: From the Sax. *Ing*, *i. e pratum*, and in the *North*, Meadows are ſtill called the *Inges*.

Ingenium, An Engine, Inſtrument, or Device. ——*Exierunt enim jam ſæpius de caſtello, & ingenia ejus vel ſuccidérunt vel incenderunt.* Flor Wigorn, *contin. ſub anno* 1138.—— *Ponant burrocas ſuas & alia* ingenia *ubicunq; voluerint ad capiendos piſces.* Cartular. Abbat. Radinges. MS. f. 55. b. It is often taken for Inſtruments uſed in War, *arte &* Ingenio *confectum*, from whence we derive the Word Engine. Ingenia *vero & pararia Chriſtianorum ita retro foſſata erant, quod nullus ex parte adverſa poterat eis nocere.* Brompton. pag. 1166.

Ingenuitas, *i. e.* Liberty given to a Servant by Manumiſſion. *Leg. H.* 1. *cap.* 89. *Si quis per Chartam* Ingenuus *dimiſſus fuerit, & a quolibet homine ad ſervitium interpellatus fuerit, &c.*

Ingenuitas Regni, *Ingenui, Liberi & Legales Homines.* Freeholders, Commonalty of the Kingdom. Not that the Word was reſtrained to Yeomen or Plebeians. For it was ſometimes given to the Chief Barons, as in the Reign of *Hen.* 1. *Anſelmus Archiep. Cant. in Paſcha Curiam venit, Regni* Ingenuitatem *præſens conſulit*, *i. e.* the great Lords and King's Common Council. *Eadmer. Hiſt. Nov. fol.* 70.

Ingot, A rude Maſs of Gold or Silver before it is coined: From the Belgick *Ingleten, infundere.*

Ingravare, To accuſe. See *Cravare.*

Ingreſſu Is a Writ of Entry, whereby a Man ſeeketh Entry into Lands or Tenements: It lies in many Caſes, and hath many ſeveral Forms. See *Entry.* This Writ is alſo called in particular, *Præcipe quod reddat*; becauſe thoſe be formal Words in Writs of Entry. The Writs, as they lie in divers Caſes, are theſe, ſet down in the *Old Nat. Brev. viz. Ingreſſu ad Terminum qui præterit, fol.* 121. *Reg. Orig. fol.* 227. which lieth where the Lands or Tenements are let to a Man for Term of Years, and the Tenant holdeth over his Term. *Ingreſſu dum non fuit compos mentis, Reg. Orig.* 218. which lies when a Man ſelleth Land or Tenement, being out of his Wits, *&c. Ingreſſu dum fuit infra ætatem.* Old N. B. fol. 123. Reg. Orig. fol. 228. lies where one under Age ſells his Lands, *&c. Ingreſſu ſuper diſſeiſina in le quibus. Old N. B.* 125. *Reg. Orig.* 229. lies where a Man is diſſeiſed, and dieth, for his Heir againſt the Diſſeiſor. *Ingreſſu in le Per. Old Nat. Brev.* 126. *Reg. Orig. fol.* 229. *Ingreſſu ſur cui in vita.* Vet. N. B. 128. Reg. Orig. 230. both which ſee in *Entry. Ingreſſu cauſa matrimonii prælocuti.* Vet. N. B. fol. 230. Reg. Orig. 233. which ſee in *cauſa Matrimonii prælocuti. Ingreſſu in cauſa proviſo.* Vet. N. B. 132. Reg. Orig. 235. which ſee in *caſu proviſo. Ingreſſu cui ante divortium.* Vet. N. B. fol. 130. Reg. Orig. 233. For which ſee *Cui ante divortium. Ingreſſu in caſu conſimili*, for which ſee *Caſu conſimili. Ingreſſu ſine aſſenſu capituli.* Reg. Orig. fol. 230. It is a Writ given by the Common Law to the Succeſſor of him that alienated *ſine aſſenſu capituli, &c.* and is ſo called from thoſe Words contained in the Writ. *Co. on Lit. fol.* 325. And *Ingreſſu ad communem Legem.* Vet. N. B. 132. Reg. Orig. 234. which lieth where the Tenant for Term of Life, or of another's Life, Tenant by Curteſy, or Tenant in Dower, maketh a Feoffment in Fee, and dieth: He in the Reverſion ſhall have the aforeſaid Writ againſt whomſoever that is in the Land, after ſuch Feoffment made.

Ingreſſus. The Relief which the Heir or Succeſſor at full Age paid to the prime Lord, for entring upon the Fee, or Lands, which were fallen by the Death or Forfeiture of the Farmer Feudatary. This *Relevium, Relevamentum* or *Relevatio*, was ſometimes called *Ingreſſus*, and ſometimes *Introitus*, being but a cuſtomary Due (as at firſt only an honorary Preſent) to the Lord from his new Vaſſal, for his Entry or Ingreſs upon his Land or Fee.

Ingroſſator magni Rotuli. See *Clerk of the Pipe.*

In groſs Is that which belongs to the Perſon of the Lord, and not to any Manor, Lands, *&c.* As Villain in *Groſs*, Advowſon in *Groſs*, &c. *Co. on Lit. fol.* 120.

Ingroſſer, *Ingroſſator*, From the French *Groſſier*, that is *Solidarius venditor*, is one that buys Corn growing, or dead Victuals to ſell again, except Barley for Malt, Oats for Oatmeal, or Victuals to retail; Badging by Licence, Buying of Oils, Spices and Victuals, other than Fiſh or Salt. *Anno* 5 *E.* 6. *cap.* 14. 5 *Eliz.* 14. 13 *Eliz.* 25. but *Weſt. Symbol. part* 2. *Tit.* Inditements, *Sect.* 64. ſays, This Definition rather doth belong to unlawful *Ingroſſing*, than to the Word in general. See *Foreſtaller*, and 3 *par. Inſt. fol.* 195. *Ingroſſer* is alſo a Clerk that writes Records or Inſtruments of Law in Skins of Parchment: As in *Henry* the Sixth's Time, he who is now called *The Clerk of the Pipe*, was called *Ingroſſator Magni Rotuli*; and the *Comptroller of the Pipe*, was called *Duplex ingroſſator.* Spelm.

Ingroſſing of a Fine Is making the Indentures by the *Chirographer*, and the Delivery of them to the Party unto whom the Cogniſance is made. *F. N. B. fol.* 147.

Inheritance, *Hæreditas*, Is a Perpetuity in Lands or Tenements to a Man and his Heirs: For *Littleton, lib.* 1. *cap.* 1. hath theſe Words. This Word *Inheritance* is not only underſtood where a Man hath *Inheritance* of Lands and Tenements by Deſcent of Heritage, but alſo every Fee-ſimple or Fee-tail that a Man hath by his Purchaſe,

may be said by *Inheritance*, for that his Heirs may *inherit* after him. *Several Inheritance* is that which two or more hold severally; as if two Men have Land given them, to them and their Heirs of their two Bodies; these have joint Estates during their Lives, but their Heirs have several *Inheritance*. *Kitchin, fol.* 155. See *Terms de la Ley, verbo* Enheritance.

Inhewardus, One attending the King in *Hereford* and *Cambridge* Shires. *Domesday.*

Inhibition, *Inhibitio*, Is a Writ to *inhibit* or forbid a Judge from farther Proceeding in the Cause depending before him. See *F. N. B. fol.* 39. where he putteth *Prohibition* and *Inhibition* together. *Inhibition* is most commonly a Writ issuing out of a higher Court Christian to a lower and inferior, upon an Appeal. *Anno* 24 *H.* 8. *cap.* 12. and 15 *Car.* 2. *cap.* 9. And *Prohibition* out of the King's Court to a Court-Christian, or to an inferior temporal Court.

Inhoc, This Word was neither interpreted nor mentioned in any Glossary before the Edition of Mr. *Kennet's Parochial Antiquities*. It properly signifies, any Corner or Out-part of a common Field ploughed up and sowed (commonly with Oats or Tares) and sometimes fenced off with a dry foot Hedge, within that Year wherein the Rest of the same Field lies fallow and common. It is now called in the *North* an *Intock*, and in *Oxfordshire* a *Hitchinne*, or *Hitching*. It seems derived from Saxon *Inge*, a Field or Meadow, or rather from *inne* within, and *hoke* a Corner or Nook. The Making of such *Inhoke*, or separate Inclosure by any one Lord or Tenant, was a Prejudice to all who had a Right of Common.——*Frater Walterus Prior Berencestriæ fieri fecit quoddam* Inhoc *in campo waratibili utriusque* Ernicote *in Muclecroft, sub curia ejusdem Prioris, per quod Abbas Osen dicebat se de communi pastura ibidem dissesisiri.*—— Paroch. Antiq. pag. 297. *Noverit Universitas vestra nos feciſſe quoddam* Inhokium *in campo de Dunthorp sine assensu & voluntate Prioris & Conventus de Cold Norton.*—— *unde quorundam fratrum & aliorum Amicorum freti consilio prædictum* Inhokium *volunt depascere. b. p.* 298. This Trespass or Encroachment was expressly prohibited in some Charters.——*hac ratione quod Dominus hayam nec pasturam separabilem faciat ab hominibus infra campum warectabilem. Ibid. pag.* 496. And therefore no such *Hitchinne* is now made without the joint Consent of all the Commoners, who in most Places have their Share by Lot in the Benefit of it. Except in some Manors where the Lord has a special Privilege of so doing. See Mr. *Kennet's Glossary.*

Injunction, *Injunctio*, Is a Writ grounded upon an interlocutory Order in Chancery; sometimes to give Possession to the Plaintiff, for want of the Defendant's Appearance; sometimes to the King's ordinary Court, and sometimes to the Court-Christian, to stay Proceedings in a Cause upon Suggestion made, that the Rigour of the Law, if it take Place, is against Equity and Conscience in that Case. See *West. Symb. part* 2. *Tit. Proceedings in Chancery.* sect. 25.

Inwardus (*Inewardus*) *Alii homines non habentes integras masuras inveniebant* Inewardos *ad Aulam, quando Rex erat in Civitate Heref.* Domesday, Tit. Heref.

Inlagacy or Inlagation (*Inlagatio*) Is a Restitution of one outlawed, to the Protection of the Law, or to the Benefit or Liberty of a Subject. From the Sax. *Inlagiam*, i. e. *Inlagare. Ut . . . seipsum legis patrocinii adeo capacem reddat, ut ad . . . peusationem admittatur.* LL. Canuti Reg. . . . cap. 2.

Inlagare, To restore to the Benefit of Law.—— *Edgarus puer veniens ad eum a Scotia, . . . Rex eum* inlagavit *& omnes homines suos.* Annal. Waverl. *sub anno* 1074.

Inlagh or Inlaugh, *Inlagatus, vel homo sub lege*, signifies him that is in some *Frank-pledge*, and not outlawed, of whom take *Bracton's* Words. *Lib.* 3 *Tract.* 2. *cap.* 11. *Minor vero, & qui infra ætatem duodecim annorum fuerit, utlagari non potest nec extra legem poni; quia ante talem ætatem non est sub lege aliqua nec in decenna, non magis quam fœmina, quæ utlagari non potest, quia ipsa non est sub lege, i.* Inlaugh *Anglice, sc. in franco plegio sive decenna sicut masculus duodecim annorum & ulterius, &c.* Inlaughe *significat hominem subjectum legi.* Fleta, lib. 1. cap. 47.

Inland, *Inlandum, Terra Dominicalis, Pars Manerii Dominica, terra interior*; For that which was let out to Tenants was called *Utland*. In the Testament of *Brithericus, in Itinerar. Kantii*; thus, *To Wulfege, that* Inland, *to Ælfege that* Utland, *i. e. Lego terras Dominicales* Wulfego, *Tenementales* Ælfego. Thus *Englished* by *Lambard, To Wulfee* (I give) *the* Inland *or Demeans, and to* Elfey *the Outland or Tenancy. Ex dono Will. de Eston* 50. *Acras de* Inlanda *sua.* Rot. Chart. 16 Hen. 3. m. 6. This Word is often found in *Domesday*. The Saxon *Thanes*, who possessed *Bocland* or hereditary Lands divided them according to the Proportion of their Estates into two Sorts, *Inland* and *Outland*. The *Inland* was that which lay next or most convenient for the Lord's Mansion-House, as within the View thereof, and therefore they kept that Part in their own Hands for Supportation of their Family, and Hospitality. The *Normans* afterwards called these Lands *terras Dominicales*, the Demains or Lord's Lands: The Germans *terras indominicatas:* The *Feudists terras curias ac intra curtem*, Lands appropriated to the Court or House of the Lord. See Mr. *Kennet's Glossary* in *Inlands*,

Inland-tith,—— *Johannes Ingleby Prior domus Jesu de Bethlem de Shene & ejusdem loci Conventus, Patroni Ecclesiæ parochialis de Midleton Chendayt in Com. Northampton, concedunt Jacobo Benett dictæ Ecclesiæ Rectori omnes decimas.——in granis, videlicet, hanc decimam quæ mihi vulgariter nuncupatur* Inland-tithe *cum suis pertinentiis, siquæ sunt.——— Dat. ultimo die Junii* 1479. Ex Memorandis Thomæ Rotherham Episcopi Linc. MS. f. 14.

Inlantal, Inlantale, Demesne or In-land, to which was opposed *Delantal*. Land tenanted or *Outland.*——*Abbat & Conventus* Glaston. *concesserunt vicario de Sappiwike decimas bladi omnium croftarum tunc existentium, duntaxat quæ non sunt* Inlantal *in tota parochia de Sappiwike, eo quod omnes hæ croftæ sunt* Delantal. Chartular. Abbat. Glaston. MS. f. 115. b.

Inlaced, From the French *Enlass*, intangled or insnared; the Word we may read in the Champion's Oath. *Co. Inst.* 2. *par. fol.* 247.

Inlegiare: When a Delinquent has satisfied the Law, and is again *rectus in curia*, he is said *se* inlegiare. *Sunt alia quædam placita Christianitatis in quibus Rex partem habet hoc modo. Si Rex patiatur ut qui in Ecclesia fecerit homicidium, ad emendationem veniet, primo Episcopo & Regi pretium nativitatis suæ reddat, & ita se* inlegiet, *deinde componat de pace Ecclesiæ* 5 *Lib.* &c. Leg. Hen. 1. cap. 11.

Inmates,

Inmates Be thoſe that are admitted to dwell for their Money jointly with another Man, tho' in ſeveral Rooms of his Manſion-houſe, paſſing in and out by one Door, and not being able to maintain themſelves; which are inquirable in a Leet. *Kitchin, fol.* 45. where you may read who are properly *Inmates*, and who not, in Intendment of Law.

Inns of Court, *Hoſpitii Curiæ*, Are ſo called, becauſe the Students therein do ſtudy the Law, to enable them to practiſe in the *Courts* of *Weſtminſter*, or elſewhere; and alſo becauſe they uſe all other gentile Exercciſes, as may make them more ſerviceable to the King in his *Court*. *Forteſcue, cap.* 49. Of theſe there are four well known, *viz.* The *Middle Temple*, *Inner Temple*, *Lincolns-Inn* and *Grays-Inn*, which with the two *Serjeants-Inns*, and eight *Inns* of *Chancery* (as Sir *Edward Coke* ſays) make the moſt famous Univerſity for the Profeſſion of Law only, or of any one human Science in the World; concerning which, ſee *Dugdale's Origines Judiciales.*

Inn, *Hoſpitium*, Common *Inns* are inſtituted for Paſſengers; for the proper *Latin* Word is *Diverſorium*, becauſe he that lodgeth there is *quaſi divertens ſe a via*; and therefore if a Neighbour which is not a Traveller, as a Friend at the Requeſt of the *Inn-keeper* lodge there, and his Goods are ſtolen, he ſhall not have an Action, for the Writ is *Hoſpitandos homines per partes, ubi hujuſmodi* hoſpitia *exiſtunt tranſeuntes & in eiſdem* hoſpitantes. *Co.* 8 *Rep. Cayle's* Caſe: Neither ſhall the *Inn-keeper* anſwer for any Thing that is out of his *Inn*, but only for ſuch Things as are *infra hoſpitium*; the Words are *eorum bona & catalla infra* hoſpitia *illa exiſtentia.* Any Perſon found tippling in any *Inn* or Ale-houſe, ſhall be adjudged within the Statute againſt Drunkenneſs, 21 *Jac.* and 1 *Car.* 1. *cap.* 4.

Innamum for Namium, *i. e.* A Pledge. Innama *non capiantur niſi per communem aſſenſum.* Du Cange.

Innaturalitas, Unnatural Uſage.——— *Et ibidem Imperator coram omni populo congregato oſtendit & notificavit omnibus* innaturalitatem *& inobedientiam ac improbitatem, quam Rex Franciæ ei fecerat, & ibidem Regem Franciæ diffidabat, &c.* Hen. de Knyghton, in Edw. 3. p. 2572.

Innings, Lands recovered from the Sea by draining and braking. As in *Romney Marſh*, old Records make Mention of the *Innings* of Archbiſhop *Becket*, *Baldwine*, *Boniface*, and *Beckham.* At this Day *Elderton's Innings*, &c.

Innonia, An Incloſure: From the Saxon *Innan, intus.* In an ancient Charter mentioned in *Spelman's Gloſſary* we read; *Sciatis me conceſſiſſe totum illud Meſſuagium in Baron Benedich, & unum Croftum & duas* Innonias *aut incloſuras, vocat. inholmes, &c.*

Innoteſcimus, Letters Patent ſo called, which are always of a Charter of Feoffment, or ſome other Inſtrument not of Record; and ſo called from the Words in the Concluſion; *Innoteſcimus per præſentes.* An *Innoteſcimus* and *Vidimus* are all one. See *Page's Caſe*, 5 *Rep.*

Innuendo, From *Inuo*, To beck or nod with the Head, is a Word frequently uſed in Writs, Declarations and Pleadings, and the Office of it is only to declare and aſcertain the Perſon or Thing which was named or left doubtful before; as to ſay, He (*innuendo*, the Plaintiff) is a Thief, where there was Mention before of another Perſon; but this *innuendo* muſt neither enlarge the Senſe of the Words, nor make a Supply, or alter the Caſe where the Words are defective. See *Hutton's Rep. fol.* 44.

Innoxiare, To clear one of a Fault, and make him innocent: *Si quis furem* innoxiare *velit unum dretum in vadio ponat.* Leges Ethelredi, cap. 10. apud Brompton.

Inoperatio Is one of the lawful Excuſes to exempt a Man from appearing in Court. *In Leg. H.* 1. *cap.* 61. *Cauſæ quæ ad excuſationem ſufficiunt, &c. hoc eſt, vel infirmitatis, vel domini neceſſitatis, vel contramandationis, vel Regis implacitationis, vel* Inoperationis *cauſa*, that is, on the Days in which all Pleadings are to ceaſe, or *in diebus non juridicis.*

Inordinatus Is one who dies inteſtate: 'Tis mentioned in *Matt. Weſtm.* 1246. and in *W. Tyrius.* Lib. 12. cap. 25. *viz. Ordinatus vel inordinatus, quod nos ſine lingua dicimus, obierit.*

Inpeny and Outpeny, In the Regiſter of the Priory of *Cokesford, pag.* 25. Thus, *De* Inpeny & Outpeny *conſuetudo talis eſt in Villa de Eaſt Radham, de omnibus terris quæ infra Burgagium tenentur; viz. Quod ipſe, qui vendiderit vel dederit dictam tenuram alicui, dabit pro exitu ſuo de eadem tenura unum denarium, & ſimile pro ingreſſu alterius. Et ſi prædicti Denarii aretro fuerint, Ballivus domini diſtringet pro eiſdem denariis in eadem tenura.* Theſe Words and Cuſtom are alſo mentioned in the Rolls of a Court there held, about the Feaſt of *Epiphany*, *Anno* 12 *Rich.* 3. Spelm.

Inſſi., Adherents or Accomplices.——— *Sciatis quod recepimus in gratiam noſtram Gilbertum Mareſchallum, & omnes qui fuerunt* Impriſii *Richardi Mareſchalli.*——— *Clauſ.* 18 *H.* 3. in Brady Hiſt. Engl. Append. p. 180.

Inquirendo Is an Authority given to a Perſon or Perſons, to enquire into ſomething for the King's Advantage, which, in what Caſes it lieth, ſee *Reg. Orig. fol.* 72, 85, 124, 265, 266, 267.

Inquiſition, *Inquiſitio*, Is a Manner of Proceeding in Matters Criminal, by the Office of the Judge, or by the great *Inqueſt* before Juſtices in *Eyre.* See *Eyre*, and the Places in *Bracton* and *Britton* there quoted. *Hoſtenſis* defines it thus, *Inquiſitio nihil aliud eſt quam alicujus criminis manifeſti ex bono & æquo judicis competentis canonice facta inveſtigatio. ca. qualiter de accuſat.* in the *Decretals. Inquiſition* is alſo with us uſed for the King in temporal Cauſes and Profits, in which Kind it is confounded with Office. *Staundf. Prærog. fol.* 51. See *Office.*

Inquiſitors, *Inquiſitores*, are Sheriffs, Coroners, *ſuper viſum corporis* or the like, who have Power to inquire into certain Caſes. Statute of *Marlbridge, cap.* 18. *Britton, fol.* 4. and *Weſtm.* 1. *Enquirors* or *Inquiſitors* are included under the Name of *Miniſtri.* 2 *Par. Inſt. fol.* 211.

Inrollment, *Irrotulatio*, Is the Regiſtring, Recording, or Entring of any lawful Act in the Rolls of the *Chancery*, as a Recogniſance acknowledged, or a Statute, or a Fine levied, or in the Rolls of the Exchequer, King's Bench, or Common Pleas, or in the *Huſtings* of *London*, or by the Clerk of the Peace in any County, as a Statute or Recogniſance acknowledged, or a Deed of Purchaſe enrolled. See *Weſt. Symbol. part* 2. *Tit. Fines, ſect.* 133. and 27 *H.* 8. 16.

Inſcriptiones Were thoſe written Inſtruments of Charters by which any Thing was granted. *In Conc. Cloveſhoe Anno* 800. *His dictis prolatæ ſunt* Inſcriptiones *Monaſterii, &c. terrarumque ſibi adjacentium.*

Inſectator, A Proſecutor or Adverſary at Law. ——*Quod etiam ejus* Inſectatores *parvo poſt tempore duraverunt, imo dira morte perierunt.* Paroch. Antiq. p. 388.

Inſerbire, To reduce to Servitude. *Si ingenuus ancillam uxorem ceperit, & ſi ipſa poſtea fuerit* Inſervita. Du Cange. So *Inſervire tenementa* is to ſubject them to Services. *Bracton, cap.* 54.

Inſetena, (*Sax.*) An Inditch. *Item ordinaverunt quod Quælibet acra pro Wallis,* Inſetenis & *Watergangiis emendetur pro* 40 *ſol.* Ordinatio Romeneienſis Mariſci, p. 73.

Inſidiæ, The ſame with *Vigiliæ* or *Excubiæ.* Fleta, lib. 2. cap. 4. par. 3. Inſidias *autem nocturnas non tenetur facere, ſed ſingulis noctibus in crepuſculo* Inſidias *aſſidebit, &c.*

Inſidiatores viarum, Waylayers, or ſuch as lie in wait, are Words which by 4 *H.* 4. *cap.* 2. are not to be put in Indictments, Arraignments, Appeals, &c.

Inſilium, Ill Advice, or pernicious Counſel. *Rex Danorum Swanus per* inſilium, *in curiam & traditionem Normannici Comitis.——— civitatem Excceſtram infregit, ſpoliavit, &c. multaque Regi* inſilia *adverſus Anglos dederunt.* Sim. Dunelm. ſub anno 1003. whence *Inſiliarius,* an evil Counſellor. *Filius Regis Æthenulphi cum omnibus ſuis conſiliariis imo* inſiliariis, *tantum facinus perpetrare auſi ſunt, ut Regem a regno proprio repellerent.* Flor. wigorn. ſub anno 855.

Inſimul tenuit Is one Species of the Writ called a *Formedon.* See *Formedon.*

Inſinuation, *Inſinuatio,* 21 *H.* 8. 5. Is a Covert, and cunning creeping into a Man's Favour. *Inſinuation* of a Will is, among the *Civilians,* the firſt Production of it, or the Leaving it *Penes Regiſtrarium,* in order to its Probate.

Inſpeximus, Letters Patent ſo called, and is the ſame with *Exemplification,* which begins thus, *Rex omnibus, &c.* Inſpeximus *irrotulamentum quarund. literarum Patent. &c.* It is called *Inſpeximus* becauſe it begins after the King's Title, with this Word *Inſpeximus.* See *Page's Caſe,* 5 *Rep.*

Inſtallment, A Settlement, or ſure Placing in, 20 *Car.* 2. *cap.* 2. Sometimes it is confounded with Abatement.

Inſtant, In Latin, *Inſtans,* and defined by the *Logicians* to be *Unum indiviſibile in Tempore, quod non eſt Tempus, nec pars temporis, ad quod tamen partes temporis copulantur,* and is much conſidered in Law; and though it cannot be actually divided, yet in Conceit it may, and applied to ſeveral Purpoſes, as if they were ſeveral Times. Whereof ſee in *Plowden's Commentaries, Fulmerſton* and *Stuard's* Caſe, where the Statute of 31 *H.* 8. is expounded concerning an Abbot's letting of Lands, &c. and there it is debated, That when the Termor takes the ſecond Leaſe, he ſurrenders his former Term; and ſo at the ſame *Inſtant* of taking the ſecond Leaſe, the former is expired. And in the Caſe between *Petit* and *Hales,* he who kills himſelf, commits not Felony till he be dead, and when dead he is not in Being, ſo as to be termed a Felon; but he is ſo adjudged in Law *eo inſtante,* at the very *Inſtant* of this Fact doing; and there are many other Cauſes in Law, where the *Inſtant* Time, that is not dividable in Nature, in the Conſideration of the Mind is divided.

Inſtaurum Is uſed in ancient Deeds for a Stock of Cattle. *Item Manerium illud nullum poteſt ſuſtinere* Inſtaurum, *quia nullum habet pratum.* Mon. Angl. 1 part. f. 548. b. We read alſo in the ſame Senſe *Staurum, Inſtauramentum,* properly young Beaſts, *Store* or *Breed.——— Et de* Inſtauramento *tria jumenta, i. e.* three ſtore Cattle. *Paroch. Antiq. p.* 288. *Inſtaurum* was commonly uſed for the whole Stock upon a Farm, Cattle, Waggons, Ploughs, and all other Implements of Husbandry. ———*Inquirere debet de* inſtauro *in quolibet manerio exiſtente.* Fleta, lib. 2. cap. 72. ſect. 7. So *Inſtaurum Eccleſiæ* is uſed for the Books, Plate, Veſtments, and all other Utenſils belonging to a Church, by the Synod of *Exeter, Anno* 1287. *can.* 12. 44, 53. So *terra inſtaurata* was Land ready ſtocked, or furniſhed with all Things neceſſary to carry on the Uſe or Occupation of a Farm. As in the *Magna Charta* of King *John, Anno* 1215. *Et reddat hæredi cum ad plenam ætatem venerit, terram ſuam* inſtauratam *de carucis & omnibus aliis rebus. Inſtauratio* in our Hiſtorians and *MS.* is taken in the ſame Senſe as *Inſtaurum.*

Inſtirpare, *i. e.* To plant or eſtabliſh: *Non ſecurum eſt gentem externam & turbidam* Inſtirpare. Brompton. pag. 935.

Inſtitution, *Inſtitutio,* Is, when the Biſhop ſays to a Clerk who is preſented to a Benefice, *Inſtituo te Rectorem talis Eccleſiæ cum cura animarum, & accipe curam tuam & meam.* Every Rectory conſiſts of a *Spirituality* and *Temporality.* As to the *Spirituality, viz. Cura animarum,* he is a compleat Perſon by *Inſtitution.* But as to the *Temporalities,* as Glebe-land, &c. he has no *Frank-tenement* therein till Induction. *Co.* 4 *Rep. Digby's* Caſe. The firſt Beginning of *Inſtitutions* to Benefices was in a National Synod held at *Weſtminſter* by *John de Crema,* the Pope's Legate, *Anno* 1124. Which ſee in *Seldon's Hiſtory of Tithes,* pag. 375.

Inſuper Is a Word uſed by *Auditors* in their Accounts in the Exchequer, when they ſay ſo much remains *inſuper* to ſuch an Accountant, that is, ſo much remains due upon ſuch an Account. *Anno* 21 *Jac. cap.* 2.

Intakers Were a Sort of Thieves in *Riddeſdale,* in the fartheſt northern Parts of *England,* mentioned 9 *H.* 5. *cap.* 8. and ſo called, becauſe they dwelling within the Liberty, did take in and receive ſuch Booties of Cattle, and other Things, as their Confederates the Outpartners brought in to them from the Borders of *Scotland.* See *Outpartners.*

Intaſſare. See *Taſſum.*

Intendment of Law, *Intellectus Legis,* The Underſtanding, Intention, and true Meaning of Law. *Co. on Litt. fol.* 78. ſays, The Judges ought to judge according to the common *Intendment of Law.*

Intenſion Is a Writ that lies againſt him that enters after the Death of Tenant in Dower, or other Tenant for Life, and holds out him in the Reverſion or Remainder; For which ſee *F. N. B. fol.* 203. And every Entry upon the Poſſeſſion of the King is called an *Intenſion;* as where the Heir of the King's Tenant enters after Office, and before Livery, this is called an *Intenſion upon the King,* as appears in *Staundf. Prærog. fol.* 40. &c.

Inter Canem & Lupum. *M. filia* N. *de* Okele *appellat* J. C. *pro raptu & pace Regis fracta die Martis prox. &c.* Inter Canem & Lupum, *i. in crepuſculo, ſcilicet, Anglice* Twilight, *i. inter diem & noctem, &c.* Inter placita de Trin. 7 E. 1. Rot. 12 Glouc. —— *In placit. de domo combuſta malitioſe, hora veſpertina,* ſc. Inter Canem & Lupam *venerunt malefactores, &c. Plac. Cor. apud Novum Caſtrum.* 24 E. 1. Rot. 6. This in *Herefordſhire*, they call the *Mock Shadow*, corruptly the *Mock Shade*; and in the North, *Day-light's Gate*, others *betwixt Hawk and Buzzard.*

Inter-commoning Is where the Commons of two Manors lie together, and the Inhabitants of both have Time out of Mind depaſtured their Cattle promiſcouſly in each.

Interdicted of Water and Fire Were, in old Time, thoſe who for ſome Crime were baniſhed; by which Judgment, tho' not by expreſs Sentence pronounced, yet by giving Order that no Man ſhould receive them into his Houſe, but deny *Fire and Water*; they were condemned, as it were, to a civil Death; and this was called *Legitimum exilium.* Livy.

Interdiction, (*Interdictio*, and *Interdictum*) has the ſame Signification in the Common, as it hath in the Canon Law, which thus defines it: *Interdictio eſt cenſura Eccleſiaſtica prohibens adminiſtrationem divinorum.* And ſo it is uſed 22 *Hen.* 8. *cap.* 12. & 25 *ejuſdem, cap.* 23. *Eodem Anno relaxatum eſt* Interdictum *Oxoniæ, quod authoritate Domini Joh. Epiſcopi Linc. propter Clericidium & ſacrilegia Anno proximo præterito fuit illatum.* Walſ. Hiſt. Anno 1357. So that an *Interdict* is a general Excommunication of a whole Country or Province: 'Tis mentioned in ſome of our Hiſtorians, *viz. Knighton* tells us, *Anno* 1208, That the Pope excommunicated King *John*, and all his Adherents, *Et totam terram Anglicanam ſuppoſuit* interdicto, which began the firſt Sunday after *Eaſter*, and continued ſix Years and one Month, during all which Time nothing was done in the Churches beſides Baptiſm and Confeſſions of dying People: The Form of it is thus:

" In the Name of Chriſt, We (the Biſhop) in " the behalf of the Father, Son, and Holy Ghoſt, " and in behalf of St. *Peter*, the Chief of the " Apoſtles, and in our own Behalf, do excom- " municate and *interdict* this Church, and all the " Chapels thereunto belonging, that no Man " from henceforth may have Leave either of " God, or St. *Peter*, the Chief of the Apoſtles, " to ſing Maſs, or to hear it, or in any wiſe to " adminiſter any Divine Office, nor to receive " God's Tithes without our Leave. And who- " ever ſhall preſume to ſing or hear Maſs, or per- " form any divine Office, or receive God's " Tithes, contrary to this *Interdict*, on the Part " of God the Father Almighty, and of the Son, " and of the Holy Ghoſt; and on the Behalf " of St. *Peter*, and all the Saints, let him be " excommunicated and accurſed, and ſeparated " from all Chriſtian Society, and from entring " into Holy Mother Church, where there is " Forgiveneſs of Sins; and let him be *Anathe- " ma maran atha* for ever with the Devils in " Hell. *Fiat, Fiat, Fiat.* Amen. *Du Cange.*

Intereſſe, Intereſt of Money, as diſtinguiſhed from the Principal. —— *Socii Mercatores Senenſes trahunt Elyenſem Epiſcopum in cauſam coram Magiſtro Alexandro de Ferentya Judice a Domino Papa Delegato, ſuper trecentis marcis de* ſorte, & *centum marcis de* intereſſe. 40 *H.* 3. *Prynne Collect. tom.* 2. *pag.* 360.

Intereſt, *Intereſſe*, Is uſually taken for a Term, or Chattels real, and more particularly for a future Term; in which Caſe, it is ſaid in Pleading. That he is poſſeſſed *de intereſſe termini:* But *ex vi Termini* in a legal Senſe, it extends to *Eſtates*, Right and Titles that a Man hath of, in, or to, or out of Lands; for he is truly ſaid to have an *Intereſt* in them. *Co. on Lit. fol.* 345.

Interlocutory Order, *Ordo interlocutorius*, Is that which decides not the Cauſe, but only ſettles ſome intervening Matter relating to the Cauſe; as where an Order is made, by Motion in Chancery, for the Plaintiff to have an Injunction to quiet his Poſſeſſion, till the Hearing of the Cauſe. This, or any ſuch Order, not being final, is *Interlocutory.*

Interpleader. See *Enterpleder.*

Intertiari, *i. e.* To Sequeſter or put in a third Hand, *viz.* When any Thing is ſtolen, and ſold to another, and afterwards demanded by the right Owner of him in whoſe Poſſeſſion 'tis found; it was uſual to ſequeſter the Thing to a third Perſon, who was to keep it till the Buyer produced the Seller, and ſo on to the Thief. *Leg. Inæ apud Brompton. cap.* 27. 52. 29. *Leg. Edw. Confeſſor. cap.* 25.

Inteſtates, *Inteſtati*, There are two Kinds of *Inteſtates*, one that makes no Will at all; another that makes a Will, and nominates Executors, but they refuſe; in which Caſe he dies as an *Inteſtate*, and the Ordinary commits Adminiſtration. 2 *par. Inſt. fol.* 397. See the Stat. 22 & 23 *Car.* 2. *cap.* 5.

In former Times, he who died *Inteſtate* was accounted damned, becauſe (as *Matt. Paris* tells us) he was obliged by the Canons, to leave at leaſt a tenth Part of his Goods to pious Uſes, for the Redemption of his Soul, and therefore, who neglected ſo to do, took no Care of his own Salvation; they made no Difference between a *Suicide* and an *Inteſtate*, for as in the one Caſe, the Goods were forfeited to the King, ſo in the other they were forfeited to the Chief Lord.

But becauſe it was accounted a very wicked Thing to die without making any Diſtribution of his Goods to pious Uſes, and ſuch Caſes often happened by ſudden Deaths, therefore by ſubſequent Conſtitutions, the Biſhops had Power to make ſuch Diſtribution as the *Inteſtate* himſelf was bound to do, and this was called *Eleemoſyna rationabilis.* Thus in *Matt. Paris, Anno* 1190. we read, *Si quis ſubitanea morte vel quolibet caſu præoccupatus fuiſſet ut de rebus ſuis diſponere non poſſet, diſtributio bonorum ejus Eccleſiaſtica fiebat authoritate:* And it was by this Means that the Spiritual Courts came firſt to have Juriſdiction in teſtamentary Caſes.

Inthingi. See *Wealtaf.*

Intiertie. See *Entierty.*

Intol & Uttol, Toll or Cuſtom paid for Things imported and exported, or bought in, and ſold out. In the Charter of *Hen.* 1. to the Church of St. *Peter* in *York* —— *habebant Canonici in domibus & terris ſuis ſoccam & ſaccam tol & theam* intol & uttol *& Infangentheof, &c. MS.*

Intrare mariſcum, To drain any low wet Marſh or Bog, and by Dikes, Walls, &c. to reduce it to herbage or paſture Ground, to *inne* or take in. Whence many of the loweſt Grounds in *Romney Marſh*, are called the *Innings. Vide* Will. Thorn. *ſub anno* 1281. *Intrare terram*, to inn Ground from the Sea.

Intruſion,

Intrusion, *Intrusio*, Is when the Aneestor dies seised of any Estate of Inheritance, expectant upon an Estate for Life; and then Tenant for Life dies, between whose Death, and the Entry of the Heir, a Stranger doth interpose and *intrude*. *Co. on Lit. fol.* 277. *lib.* 3. *cap.* 8. *sect.* 475. *Bracton, lib.* 4. *cap.* 2. to the same Purpose defines it thus, *Intrusio est ubi quis, cui nullum jus competit in re nec scintilla juris, possessionem vacuam ingreditur, quæ nec animo nec corpore possidetur, &c.* with whom agreeth *Fleta, l.* 4. *c.* 30. *sect.* 1 & 2. *Britton, c.* 65. The *New Book of Entries, verbo* Entrusion. See *Entrusion.* See *Disseisin.* See also *Abatement*, and the Stat. 21 *Jac. cap.* 14.

Intrusione Is a Writ that lies against the *Intruder*. *Regist. fol.* 233.

Invadiare, To engage Lands, to mortgage.—— *habenda sibi & hæredibus* ——*& cuicunque dare, vendere*, invadiare, *assignare, &c. voluerint.* Paroch. Antiq. p. 262.

Invadiationes, *Mortgages* or *Pledges*, *Confirmamus eis omnes alias donationes, venditiones &* invadiationes *rationabiliter factas.* Mon. Angl. 1 par. fol. 478.

Invadiatus Is when one has been accused of some Crime, which being not fully proved, he is put *sub debita fidejussione.*

Invasiones. In the Inquisition of Serjeancies and Knights Fees in the 12 and 13 Years of King *John*, there be some Titles under the Character of *Invasiones:* And *de Invasionibus*, and *Invasiones super Regem.*

Inventiones, Treasure-trove, Money or Goods found by any Person, and not challenged by any Owner, which therefore by Common Law was due to the King, who granted the Privilege to some particular Subjects. As King *Edw.* 1. granted to his Barons of the Cinque Ports—— *quod habeant* inventiones *suas in mari & in terra.* ——Placit. temp. Edw. 1. & Edw. 2. MS. f. 89.

Inventory, *Inventorium*, Is a Description or Repertory, orderly made of all dead Mens Goods and Chattels, prised by four or more credible Men; which every Executor or Administrator is bound to exhibit to the Ordinary at such Times as he shall appoint. *West. Symbol. part* 1. *lib.* 2. *sect.* 696. where likewise you may see the Form. This *Inventory* proceeds from the Civil Law, for whereas by the ancient Law of the *Romans*, the Heir was obliged to answer all the Testator's Debts, by which means Heritages were more prejudicial to many than profitable; *Justinian*, to encourage Men the better to take upon them this charitable Office, ordained, that if the Heir would make and exhibit a true *Inventory* of all the Testator's Goods coming to his Hands, he should be no further charged than to the Value of the *Inventory.* Lib. ult. Cod. de jure deliberando, &c.

In ventre sa mere, *French*, in the Mother's Belly: Is a Writ mentioned in the *Register*; and *Anno* 12 *Car.* 1. *cap.* 24.

Invest, *Investire*, Is derived of the *French* Word *Invester*, and signifies to give Possession. *Hotoman de verbis feudalibus, verbo* Investitura: *Investitura barbarum nomen, barbaricam quoque rationem habet, nam ut ait feudista.* lib. 2. tit. 2. *Investitura proprie dicitur quando hasta vel aliquod corporeum traditur a domino.* We use likewise to *invest* the Tenants, by delivering them a Verge or Rod in their Hands, and ministring them an Oath, which is called *Investing.* Others define it thus, *Investitura est in suum jus alicujus introductio*, a giving Livery of Seisin or Possession. In the Church it was the Custom of old for Princes to promote such as they liked to Ecclesiastical Benefices, and declare their Choice, and the Promotion of the Persons chosen, by Delivery of a Pastoral Staff and Ring, which was termed *Investing*; after which they were consecrated by Ecclesiastical Persons.

At first *Investitures* were made by a Form of Words, afterwards by such Things which had most Resemblance to what was to be transferred; as Land passed by the Delivery of a *Turf*; and that the Trees and all which did grow on the Land might likewise be transferred at the same Time, it was usual to cut a Bough, which was delivered by the Grantor, to the Person to whom the Land was granted.

But in after Ages, the Things by which *Investitures* were made, were not so exactly observed: This appears by *Ingulphus, pag.* 901. *viz. Conferebantur etiam primo multa prædia nudo verbo, absque scripto vel Charta, tantum cum Domini gladio, galea vel cornu vel cratera, & plurima tenementa cum calcari, cum strigili, cum arca, & nonnulla cum Sagitta.*

Hoveden, pag. 724. Tells us, That our King *Richard*, being taken by the Emperor, gave this Kingdom to him, and *investivit eum inde per pileum suum*, and that the Emperor immediately afterwards returned the Gift: *Et* investivit *eum per duplicem crucem de auro.*

Walsingham also mentions, That *John* Duke of *Lancaster* was made Duke of *Acquitain, per virgam & pileum.* pag. 343. And *Simeon* of *Durham.* lib. 3. *De Ecclesia Dunelm.* cap. 14. writes, *viz. In cujus donationis signum etiam scyphum argenteum obtulit, qui in hac Ecclesia servatus æternam illius facti memoriam retinet.*

Investiture, The Customs and Ceremonies of *Investiture* or giving Possession, were long practised with great Variety, and singular Oddness. Observe this Form of *investing* a Canon in the Cathedral Church of St. *Paul* in the Time of *Ralph Baldock*, Dean about the Year 1295. *Cum fuerit quisquam prebenda* investiendus—— *induatur habitu Canonico & coram Decano & fratribus in Capitulo se præsentet, & pane albo suspesito Regulæ Canonicæ in hoc volumine contentæ*, investiat *eum Decanus vel Major præsens Decano absente, Dicendo, Nos recipimus te in Canonicum & fratrem, & tradimus tibi regularis observantiæ formam in volumine isto contentam pro cibo spirituali, & in remedium laboris refectionem in pane corporalem. Panis autem ille committatur Eleemosynario ad usus Pauperum.*—— Ex Libro Statutorum Ecclesiæ Paulinæ MS. penes Joh. Ep'um Norwic.

Invitatoria, Those Hymns and Psalms that were sung in the Church to *invite* the People to Praise God. As *Venite Exultemus Domino, Jubilate Deo, &c.* In the Statutes of the Church of St. *Paul* in *London*, it was ordained, *ut vicarii de novo recepti, & in posterum recipiendi, singulis diebus infra annum probationis suæ unum nocturnum Psalterii ita dicant attente & Impnarium ac communem Sanctorum Historiam*, Invitatoria, & Venitarium *adeo diligenter interea repetant quod ea corde tenus, &c.* Liber Statutorum Ecclesiæ Paulinæ MS. penes Joh. Ep'um Norwic.

Invoyce, 12 *Car.* 2. *cap.* 34. Is a Particular of the Value, Custom and Charges of any Goods sent by a Merchant in another Man's Ship, and

conſigned to a Factor or Correſpondent in another Country.

Inure Signifies to take Effect, as the Pardon *inureth. Staund. prer. fol.* 40. See *Enure.*

Jobber Is uſed for one that buys or ſells Cattle for others. *Stat.* 22 & 23 *Car.* 2.

Jocalia, (Fr. *Joyaux,*) Jewels. *Edward* the Firſt employed one *Andevar, ad* Jocalia *ſua impignoranda.* Clauſ. 29 Edw. 1. *Præterea conſiderantes gratam ſubventionem, quam præfati Abbas & Monachi* (Rading) *nobis fecerunt de magnis & precioſis* Jocalibus *ac aliis rebus ſuis in ſubſidium expenſarum & ſumptuum, quos circa præſens paſſagium noſtrum verſus partes tranſmarinas, &c.* In Mem. Seac. de Anno 20 Edw. 3. Trin. Rot. 3. The Word is derived from the Lat. *Jocus, Joculus,* and *Jocula,* which ſeems to comprehend every Thing that delights us; but in a more reſtrained Senſe, to thoſe Things which are Ornaments to Women, and which in *France* they call their own, as Ear-Rings, Bracelets, *&c.* But *Du Freſne* tells us, that at *Arragon,* in *Spain,* the Queſtion was, whether a Woman's Cloaths would paſs by the Deviſe of her Jewels? And that the Judge upon great Deliberation, and conſulting with others, was of Opinion they did not paſs.

Jocari, *i. e.* To contend with Pikes. *Craſtino die quidam milites Anglici ſtrenue nimis & viriliter* Jocabantur. *Mat. Pariſ. Anno* 1252.

Jocarius, A Jeſter. In a Deed of *Richard,* Abbot of *Bernay,* to *Henry Lovet, ſine dat.* among the Witneſſes to it was *Willielmo tunc* Jocario *Domini Abbatis.* But in *Domeſday* 'tis ſaid *Berdic* was *Joculator Regis,* the King's Jeſter.

Jocelet, (Sax.) *Prædiolum, agri colendi portiuncula.* A little Farm or Manor, in ſome Parts of *Kent* a *Yoklet,* as requiring but a ſmall *Yoke* of Oxen to till it. *Sax. Dict.*

Jocus partitus. 'Tis ſo called when two Propoſals are made, and a Man hath Liberty to chooſe which he will. *Nec poteſt tranſigere, nec paciſci, nec* Jocum partitum *facere, nec aliud.* Bracton, lib. 4. tract. 1. cap. 32. par. 2. *Etiam ſi apparentibus partibus queruletur & reſpondeatur, ſive loquela per non tenuram vel per quemcunque Biperti* Jocum *cavilleter, &c.* Hengham Magn. cap. 4.

Joinder Is the coupling or joining of Two in a Suit or Action againſt another. *F. N. B. fol.* 118, 201, 221. and in many other Places, as appeareth in the *Index, verbo* Joinder.

Joining of Iſſue, *Junctio Exitus.* See *Iſſue.*

Joint-tenants, *Simul tenentes,* or *qui conjunctim tenent,* Lib. *Intrationum,* Tit. *Formedon in View,* 3. be thoſe that come to, and hold Lands or Tenements by one Title *pro indiviſo,* or without Partition. *Co. on Litt. lib.* 3. *cap.* 3. *ſect.* 277. Theſe are diſtinguiſhed from ſole or ſeveral *Tenants,* from *Parceners,* and from *Tenants* in common; and anciently they were called *Participes,* and not *Hæredes:* And theſe muſt *jointly* implead, and *jointly* be impleaded by others, which properly is common between them and Copareeners; but *Joint-tenants* have a ſole Quality of Survivorſhip, which Coparceners have not; for if there be two or three *Joint-tenants,* and one hath Iſſue and dies, then he or thoſe *Joint-tenants,* that ſurvive, ſhall have the Whole by Survivorſhip. See *Co. on Litt. ibid. ſect.* 180. See more of this *Terms de la ley, verbo* Joint-tenants.

Jointure, *Junctura,* Is a Covenant whereby the Husband, or ſome other Friend in his Behalf, aſſureth unto his Wife, in reſpect of Marriage, Lands or Tenements for Term of Life, or otherwiſe. *Weſt. Symbol. part* 2. *lib.* 2. *Tit.* Covenants, *Sect.* 128. 27 *H.* 8. *cap.* 10. It is ſo called either becauſe granted *ratione junctura in matrimonio,* or becauſe the Land in *Frank marriage* is given jointly to the Husband and Wife, and after to the Heirs of their Bodies, whereby the Husband and Wife be made Joint-tenants, during the Coverture. *Co. lib.* 3. *Butler* and *Baker*'s Caſe, *fol.* 27. See *Frank-marriage. Jointure* is alſo uſed as the Abſtract of Joint-tenants. *Co. lib.* 3. *fol.* 3. Marqueſs of *Wincheſter*'s Caſe. *Junctura* is alſo by *Bracton* and *Fleta* uſed for joining of one Bargain to another. *Fleta, lib.* 2. *cap.* 60. And therefore *Jointure* in the firſt Signification may be ſo called, in reſpect that it is a Bargain of Livelihood for the Wife, adjoined to the Contract of Marriage. See alſo the *Terms of the Law, eodem verbo.*

Joſtum, *Giſtum.* Agiſtment or commonly pronounced *Juicement,* feeding or paſturing of Cattel. ——— *Ego* Thomas Gybylan, *Capellanus Filius* Philippi *Fil. Osberti de S. Edmundo.* ——— *confirmavi Deo & beato Edmundo* ——— *totum jus & clameum meum quod unquam habui vel habere potui in herbagio & joſto in ſuburbio villæ S. Edmundi, &c.* ——— Cartular. S. Edmundi. MS. p. 242.

Jotſon. See *Jetſen & Flotzon.*

Journeys Accompts, *Dietæ computatæ,* Is a Term in the Law, to be thus underſtood: If a Writ is abated without the Default of the Plaintiff or Demandant, but merely by Default of the Clerk, either for falſe *Latin,* Variance, or want of Form; or by Default of the Sheriff, as for want of a good Summons; in all theſe Caſes the Plaintiff may purchaſe a new Writ, which if it be purchaſed by *Journeys Accompts,* that is, within as little Time as poſſible after the Abatement of the firſt Writ, (and the Space of fifteen Days has been held a convenient Time for the Purchaſe of it) then this ſecond Writ ſhall be as a Continuance of the Firſt. But where the firſt Writ abateth by the Default of the Demandant himſelf, as by miſtaking the Name of the Tenant or of the Vill; or where it abateth for Non-tenure of the Whole; as it ought, becauſe the firſt Writ was brought without any Manner of Cauſe; in all theſe Caſes the Plaintiff ſhall not have a new Writ by *Journeys Accompts.* This Writ muſt be brought in the ſame Court where the firſt Writ was, and of the ſame Quantity in that Writ contained: It muſt be between thoſe who are Parties to the Firſt, as where one of the Plaintiffs or Defendants dies; but in no Caſe where there is but one Plaintiff: Nor will it lie except where the firſt Writ is ſerved and returned on Record. *Vide Co. Rep.* 6. *fol.* 9. *Spencer*'s Caſe.

Journal, A Diary or Day-Book. *Journals* of Parliaments are not Records, but only Remembrances: And are neither of Neceſſity, nor have been of long Continuance. See *Hub. Rep. fol.* 109.

Journey-choppers, 8 *H.* 6. 5. Were Regrators of Yarn; whence the firſt Part of the Word is derived, is ſomewhat obſcure: But *Choppers* are to this Time known to be *Changers:* As to *Chop* and Change is a familiar Phraſe. See *Chop-Chirch.*

Journey-Man Cometh of the *French* Word *Journee,* that is, a Day or Day's Work; ſo that properly

properly it is one that wrought with another by the Day, though now by the Statute made *Anno quinto Eliz. cap.* 4. it be extended to thoſe likewiſe, that covenant to work with another in his Trade or Occupation by the Year.

Ire ad largum, To go at large, to eſcape, to be ſet at Liberty, is a Term frequent in the Law.

Iron-moulds, Yellow Lumps or Clods of Earth, or ſofter Stone, found amongſt Chalk in moſt Pits among the *Chiltern* Parts of *Oxfordſhire*, which are indeed a Sort of indigeſted Iron Oar.

Irregularity, *Irregularitas*, Diſorder: In the Canon Law it is taken for an Impediment, which hinders a Man from taking Holy Orders; as if he be baſe born, notoriouſly defamed of any notable Crime, maimed, or much deformed, or has conſented to procure another's Death, and the like.

Irreplevіable or Irreplevіſable, That neither may nor ought to be *replevyed* or ſet at large upon Sureties, as the Diſtreſs ſhall be *irrepleviſable*. 13 *E.* 1. *cap.* 2.

Iſca Canmonioꝝum, *Exceſter.*

Iſca Fluvius, the River *Ex* in *Devonſhire.*

Iſca Legio Auguſta, *Careleton* in *Monmouthſhire.*

Iſcalis, *Ilcheſter.*

Iſinglaſs, *Glutten Piſcium*, A Kind of Fiſh-glue or Fiſh-gum brought from *Iſland*, and thoſe Parts, and uſed in Medicines, and by ſome in the adulterating of Wines, but for that prohibited by a Statute made 12 *Car.* 2. *c.* 25.

Iſſue, *Exitus*, Cometh of the French *Iſſuer*, i. *emanare*: It hath divers Applications in the Common Law, ſometimes being uſed for the Children begotten between a Man and his Wife; ſometimes for Profit growing from Amerciaments or *Fines*; and ſometimes for Profits of Lands or Tenements. *Weſt.* 2. 13 *Ed.* 1. *cap.* 39. Sometimes for that Point of Matter depending in Suit, whereupon the Parties join, and put their Cauſe to the Trial of the Jury: And yet in all theſe it hath but one Signification, which is an Effect of a Cauſe preceding, as the Children be the Effect of the Marriage between the Parents; the Profits growing to the King or Lord, from the Puniſhment of any Man's Offence, is the Effect of his Tranſgreſſion; the Point referred to the Trial of Twelve Men, is the Effect of Pleading or Proceſs. *Iſſue* in this Signification is either *general* or *ſpecial*; *General Iſſue* ſeemeth to be that whereby it is referred to the *Jury*, to bring in their Verdict, whether the Defendant have done any ſuch Thing, as the Plaintiff layeth to his Charge. For Example, If it be an Offence againſt any Statute, and the Defendant plead *Not guilty*; this being put to the Jury, is called *The general Iſſue*. And if a Man complain of a private Wrong, which the Defendant denieth, and pleads no Wrong nor Diſſeiſin; and this be referred to the Jury, it is likewiſe the *general Iſſue*. *Kitchin, fol.* 225. See *Doct.* and *Stud. fol.* 158. The *ſpecial Iſſue* then muſt be that, where ſpecial Matter being alledged by the Defendant for his Defence, both Parties join thereupon, and ſo go either to a Demurrer, if it be *quæſtio juris*, or to Trial by the Jury, if it be *quæſtio facti*, 4 *H.* 8. 3. 18 *Eliz. cap.* 12. and the *New Book of Entries, verbo* Iſſue. See *Exitus.*

Iſurium, *Aldborough* in *Yorkſhire.*

Itinerant. *Itinerans*, Travelling, or taking a Journey. Thoſe were anciently called Juſtices *itinerant*, who were ſent with a Commiſſion into divers Counties to hear ſuch Cauſes eſpecially as were termed Pleas of the Crown, and the Journeys themſelves were called *Iters*. See *Juſtices in Eyre.*

Ituna, The River *Eden* in *Cumberland.*

Jubilee Was firſt inſtituted by *Boniface* VIII. in the Year 1300. who granted a Plenary Indulgence and Remiſſion of Sins to all thoſe who ſhould viſit the Churches of St. *Peter* and St. *Paul* at *Rome* in that Year, and ſtay there fifteen Days: And this he ordered to be obſerved once in every Hundred Years, which *Clement* VI. reduced to fifty Years in the Year 1350. and to be held upon the Day of the Circumciſion of our Saviour. *Urban* the IVth, in the Year 1389, reduced it to every thirty-three Years, that being the Age of our Saviour. And that every Age might partake of this Benefit, *Sixtus* VI. *Anno* 1475. reduced it to every twenty-five Years.

One of our Kings, *viz. Edward* II. cauſed his Birth-Day to be obſerved in the Nature of a *Jubilee*, when he was fifty Years old, and not before or after: And this he did by releaſing Priſoners; by pardoning all Offences, except Treaſons; and by making good Laws, and granting many Privileges to the People. And becauſe when a *Jubilee* was firſt inſtituted, it was ordered to be obſerved every Hundred Years; therefore

Jubilæus ſignified afterwards a Man One hundred Years old, and likewiſe a Poſſeſſion or Preſcription for Fifty Years. *Si ager non invenietur in ſcriptione inquiratur de ſenioribus, &c. & ſi ſub certo* Jubilæo *manſit, ſine vituperatione maneat in æternum.* Du Freſne.

Judaiſm, (*Judaiſmus*,) the Cuſtom, Religion, or Rites of the *Jews*: Alſo the Income heretofore accruing to the King from the *Jews*; for we find in ſeveral Charters, *Judaiſmum noſtrum Angliæ.* Alſo the Place or Street where the *Jews* live, as in *Hiſtor. Oxon. fol.* 132. And *Vetus Judaiſmus* for the *Old-Jury* in *London.* The Word was often uſed by Way of Exception in old Deeds; as, *Sciant, Quod ego Rogerus de Morice dedi Willielmo Harding pro tribus marcis argenti, unum croftum, habend. de me & hæredibus meis ſibi & hæredibus ejus, vel ejus aſſignatis & eorum hæredibus cuicunque, quocunque vel quandocunque dictum Croftum dare, vendere, legare, invadiare, vel aliquo modo aſſignare voluerint, in quocunque ſtatu fuerint, libere, quiete, integre, bene & in pace, excepta religione &* Judaiſmo, *&c. Sine dat.* The Statute *de Judaiſmo* was made 3 *Ed.* 1. at which Parliament the King had a Fifteenth granted him *pro expulſione Judæorum.*

Judaiſmum was anciently uſed for a Mortgage. *Pro hac autem donatione dederunt mihi dicti Abbas & Canonici ſex Marcas Sterl. ad acquietandam terram prædictam de* Judaiſmo, *in quo fuit impignorata per Rob. fratrem meum, &c.* Ex magno Rot. Pipæ, de Anno 9 E. 2

Here in *England*, in former Times, the *Jews* and all their Goods belonged to the chief Lord where they lived; and he had ſuch an abſolute Property in them, that he might ſell them; for they had not Liberty to remove to another Lord without Leave. This appears in *Mat. Pariſ. pag.* 521,

521, 606. where we read that *Henry* III. sold the *Jews* to Earl *Richard* his Brother for a certain Term of Years, that *quos Rex excoriaverat, Comes eviſceraret.*

They were diſtinguiſhed from the Chriſtians both living and dying; for they had proper Judges and Courts, wherein their Cauſes were decided; and they wore a Badge on their outward Garments upon the Breaſt in the Shape of a Table, and were fined if they went abroad without ſuch Badge. They were never buried in the Country, but brought up to *London*, and there buried without the Walls. But *Henry* I. gave Leave that they might be buried without the Walls of any other City.

Judaiſmus is alſo taken for the Manſion or Dwelling-place of the *Jews* in any Town; as *Wigorniam cepit & intravit,* & Judaiſmum *evertit.* Riſhangor, pag. 668. And it ſometimes ſignifies Uſury: as, *Empta fuit grangia, &c. & Domus obligata in magnis debitis in* Judaiſmo. *Mon.* 1 *Tom. p.* 834.

Judge and **Judges**, *Judex & judices*, All their Commiſſions are bounded with this expreſs Limitation, *Facturi quod ad juſtitiam pertinet ſecundum legem & conſuetudinem Angliæ.* The *Judge* at his Creation takes an Oath, That he ſhall indifferently miniſter Juſtice to all them that ſhall have any Suit or Plea before him, and this he ſhall not forbear to do, though the King by his Letters, or by expreſs Word of Mouth, ſhould command the Contrary, &c. It is a Maxim in the Law, *Aliquis non debet eſſe* Judex *in propria cauſa.* King *Henry* the Fourth, when his eldeſt Son the Prince was by the Lord Chief Juſtice, for ſome great Miſdemeanors, committed to Priſon, thanked God that he had a Son of that Obedience, and a *Judge* ſo impartial, and of ſuch undaunted Courage; the Story is well known, and may be read at large both in *Stow* and *Daniel*, *in vita* H. 5. *Forteſcue* in his Book *de Laudibus legum Angliæ* 53. ſpeaketh of a *Judge*, complaining of a Judgment given againſt a Gentlewoman of *Salisbury*, who being accuſed by her own Man, without any other Proof, for murdering her Husband, was thereupon condemned and burnt: The Man, who accuſed her, being within a Year after convicted for the ſame Offence, confeſt, That his Miſtreſs was altogether Innocent of that cruel Fact. But this *Judge* (as the ſame Author Adds) *ſæpius mihi faſſus eſt, quod nunquam in vita ſua animum ejus de hoc facto purgaret.* In *ſeptimo* H. 4. the King demanded of *Gaſcoigne* Juſtice, If he ſaw one in his Preſence kill *J. S.* and another (which was not culpable) ſhould be indicten of this before him, what he would do in this Caſe? To which he anſwered, That he ought to reſpite the Judgment againſt him, and to relate the Matter fully to the King to procure him a Pardon; for there he cannot acquit him, and give Judgment according to his private Knowledge. But where they have a judicial Knowledge, there they may and ought to give Judgment according to that. See the like Caſe determined by King *James*, in his Diſputations at *Oxford. Rex Plat. p.* 109, 113, 114, 115. *Plow. f.* 83. *Partridge* againſt *Strange.*

Judger. In *Cheſhire* to be *Judger* of a Town is to ſerve at the Lord's Court on the Jury. *Leiceſter's Anti. f.* 302.

Judgment, *Judicium, quaſi juris dictum*, Is the Cenſure of the Judges ſo called, and is the very Voice and final Doom of the Law; and therefore is always taken for unqueſtionable Truth. The ancient Words of *Judgment* are very ſignificant, *viz. Conſideratum eſt per curiam, &c.* becauſe *Judgment* is or ought to be given by the Court, upon Conſideration of the Record before them; and in every *Judgment* there ought to be three Perſons, *viz. Actor, reus & Judex:* Of *Judgments* ſome be final, and ſome not final. See *Co.* on *Lit. f.* 39. and *Co. 9. Rep. Downam's* Caſe.

Judgment or Trial by the Holy Croſs Was a Trial in Eccleſiaſtical Cauſes, in Uſe long ſince among our *Saxons.* See *Creſſy's Church Hiſtory fol.* 960.

Judices fiſcales; So *Polydore Virgil* calls *Empſon*, and *Dudley*, who were employed by *Hen.* 7. for taking the Benefit of Penal Statutes, and were put to Death by *Hen.* 8. See Lord *Herb. H.* 8. *fol.* 5, 6.

Judicium Dei, The Judgment of God, ſo our Anceſtors called thoſe now prohibited Trials of Ordeal, and its ſeveral Kinds, *Si ſe ſuper defendere non poſſet* Judicio Dei, *ſcilicet, Aqua vel ferro, fieret de eo juſtitia.* Leges Ed. Conf. cap. 16. See *Spelman's Gloſſ.* on this Word, and Dr. *Brady* in his *Gloſſary* at the End of his *Introduct. to Eng. Hiſtory.* See *Suthdore.*

Jug, A watery Place, according to *Domeſday.*

Jugantes for *Brigantes.*

Jugulator, A Cut-throat, or Murderer.——*Statutum eſt præterea ut nullus occultus* Jugulator, *quales Murderers appellant Angli, de cætero chartam de regia gratia obtineret.* Tho. Walſingham, *pag.* 343.

Jugum terræ, A Yoke of Land, in *Domeſday*, contains half a Plow-Land, *viz. Odo tenet de Epiſcopo unum* Jugum terræ, & *eſt dimid. Carucatæ.* So alſo 1 *Inſt. fol.* 5. *a.* So in *Domeſday*, *Unum* Jugum *de Ora*, & *unum* Jugum *de Herce*; *i. e.* The Rent of a Yoke of Land, and another Yoke of Land to plough. *Gale* 760.

Juncare, To ſtrew Ruſhes, as was of old the Cuſtom of accommodating the Parochial Church, and the very Bedchamber of Princes.——*Terræ in Ailesbury tenentur per ſervitium inveniendi Domino Regi cum venerit apud Ailesbury in æſtate ſtramen ad lectum ſuum & præter hoc herbam ad* juncandam *cameram ſuam* —— *Pat.* 14 *E.* 1.

Juncaria or **Joncaria**, (from *juncus*, the *Latin* Word for a Ruſh;) is a Soil or Place where Ruſhes grow. *Co.* on *Lit. fol.* 5. *Cum Piſcariis, Turbariis*, Juncariis, & *communibus paſturis ad meſſuagium prædictum pertin'. Pat.* 6 Ed. 3. p. 1. m. 25.

Junctum, Juncta, A Meaſure of Salt.—— *Et de tribus menſuris terræ, & de decem* junctis ſalis *in wickio, cum duabus ſalinis, &c.* Mon. Ang. *tom.* 2. *p.* 99.

Juncture. See *Jointure.*

Jura Regalia. See *Regalia.*

Jure Patronatus. See the *New Book of Entries, verbo* Jure Patronatus *in Quare Impedit, fol.* 365. *col.* 3.

Jurats, (*Jurati, Anno* 2 & 3 *Ed.* 6. *cap.* 30.) as the Mayor and *Jurats* of *Maidſtone*, *Rye*, *Winchelſey*, *Tenterdon*, &c. are in the Nature of Aldermen, for Government of their ſeveral Corporations: And the Name is taken from the *French*, where (among others) there are *Major & Jurati Sueſſenſes, &c. Vide Choppin Doman. Fran. lib.* 3. Tit. 20. *ſect.* 11. *pag.* 530. So *Jerſey* hath a Bailiff

liff and Twelve *Jurats*, or ſworn Aſſiſtants, to govern the Iſland. *Cam. Romney Marſh* is incotporate of one Bailiff, 24 *Jurats*, and the Commonalty thereof, by Charter, *Dat.* 23 *Febr.* 1 *Ed.* 4. See *Hiſt. of Imbanking and Draining, fol.* 34. *b. Jurats* are alſo ſometimes taken for Juries, as in 13 *E.* 1. *cap.* 26.

Juridical Days, (*Dies juridici*) *Days* on which the Law is adminiſtered, *Days* in Court. See *Dies.*

Juriſdiction (*Juriſdictio*) Is an Authority or Power which a Man hath to do Juſtice in Cauſes of Complaint made before him. Of which there are two Kinds: The one which a Man hath by Reaſon of his Fee, and by Virtue thereof does Right in all Plaints concerning the Lands of his Fee: The other is a *Juriſdiction* given by the Prince to a Bailiff. Which Diviſion I have in the *Cuſtumary of Normandy, cap.* 2. which is not unapt for the Practice of our Commonwealth; for by him whom they call a *Bailiff*, we may underſtand all that have Commiſſion from the Prince to give Judgment in any Cauſe. See Sir *Edw. Coke's Proœmium* to his 4 *Inſt.* The *Civilians* divide *Juriſdictionem* into *Imperium* & Juriſdictionem, & *imperium in merum* & *mixtum*; of which you may read ſeveral Tractates.

Juris utrum Is a Writ which lies for the Incumbent, whoſe Predeceſſor hath alienated his Lands and Tenements. The divers Uſes whereof ſee in *Fitz. Nat. Brev. f.* 48.

Juror, *Jurator*, Is one of thoſe Twenty-four or Twelve Men, which are ſworn to declare a Truth upon ſuch Evidence as ſhall be given them touching the Matter in Queſtion, of which ſee *F. N. B. f.* 165. and the Statute 16 & 17 *Car.* 2. For returning able and ſufficient *Jurors.*

Jurnale, The *Journal* or Diary of Accounts in a religious Houſe. —— *Ut patet per* Jurnale *hoc anno* ——— *ut patet per prædictum* Jurnale. Paroch. Antiq. p. 571. From the French *Jour*, a Day. Whence *Journey* was at firſt properly but one Days Travel. And our Ploughmen now uſe the Word in a ſtrict and original Senſe; for they call one Day's Travel, or Work at Plough, a *Journey* or *Journe.* Hence a *Journeyman* is one who works by the Day, &c. See *Jurnedum.*

Jurnedum, A Journey, or one Day's Travelling. —— Among the cuſtomary Duties done by the Tenants of *Chebenhale.*——*Si opus fuerit & Dominus voluerit, ipſe averiabit pannos ſuos cum caballo ſuo ad Sanctum Edmundum, vel alias per unum* Jurnedum *ſemel in anno* ——Cartular. Sancti Edmundi *MS. f.* 401.

Jury, *Jurata*, May be derived from the Latin *Jurare*, to ſwear, and ſignifies either Twenty-four or Twelve Men ſworn to enquire of the Matter of Fact, and declare the Truth upon ſuch Evidence as ſhall be delivered them, touching the Matter in Queſtion. Of which *Jury*, who may, and who may not be impanelled, ſee *F. N. B. f.* 165. And here obſerve, That in *England* there be three Sorts of Trials, *viz.* one by Parliament, another by Battel, and the third by Aſſiſe or *Jury. Smith de Rep. Angl. lib.* 2. *cap.* 5, 6, 7. Of the two Former read him, and ſee *Battel*, *Combat* and *Parliament.* The Trial by Aſſiſe, (be the Action civil or criminal, publick or private, perſonal or real,) is referred for the Fact to a *Jury*, and as they find it, ſo paſſeth the Judgment; and the great Favour that by this the King ſhews to his Subjects, more than the Princes of other Nations, you may read in *Glanvil, lib.* 2. *cap.* 7. where he calls it, *Regale beneficium clementis principis de conſilio Procerum populi indultum, quo vitæ hominum & ſtatus integritati tam ſalubriter conſulitur, ut in jure, quod quis in libero ſoli tenemento poſſidet, retinendo, duelli caſum declinare poſſint homines ambiguum*, &c. This *Jury* is not only uſed in Circuits of Juſtices Errant, but alſo in other Courts and Matters of Office, as if the *Eſcheator* make Inquiſition in any Thing touching his Office, he doth it by *Jury* or Inqueſt. If the Coroner enquire how a Subject found dead, came to his End, he uſeth an Enqueſt. The Juſtices of Peace in their Quarter-Seſſions, The Sheriff in his County and Turn, the Bailiff of a Hundred, the Steward of a Court-Leet or Court-Baron, if they enquire of any Offence, or decide any Cauſe between Party and Party, they do it in the ſame Manner: So that where it is ſaid, All Things be triable by Parliament, Battel or Aſſiſe, Aſſiſe in this Place is taken for a *Jury* or Enqueſt, empanelled upon any Cauſe in a Court where this Kind of Trial is uſed; and though it be commonly ſuppoſed that this Cuſtom of ending and deciding Cauſes proceeded from the *Saxons* and *Britains*, and was of Favour permitted to us by the Conqueror; yet I find by the *Grand Cuſtumary* of *Normandy*, *cap.* 24. that this Courſe was likewiſe uſed in that Country; for Aſſiſe is in that Chapter, defined to be an Aſſembly of wiſe Men, with the Bailiff, in a Place certain, at a Time aſſigned Forty Days before, whereby Juſtice may be done in Cauſes heard in the Court: Of this Cuſtom alſo, and thoſe Knights of *Normandy*, *Johannes Faber* maketh Mention in the *Rubrick* of the Title *de militari teſtamento, in Inſtitut.* This *Jury* though it appertains to moſt Courts of the Common Law, yet it is moſt notorious in the half Year Courts of the Juſtices Errants commonly called the *Great Aſſiſes*; and in the Quarter-Seſſions, and in them it is moſt ordinarily called a *Jury*, and that in civil Cauſes; whereas in other Courts it is termed oftner an *Enqueſt* and in the Court-Baron, a *Jury* of the Homage: In the General Aſſiſe, there are uſually many *Juries*, becauſe there be Store of Cauſes both civil and criminal, commonly to be tried; whereof one is called *The Grand Jury*, and the reſt *Petit Juries*, whereof it ſeemeth there ſhould be one for every Hundred. *Lamb. Eirenarch. lib.* 4. *cap.* 3. *pag.* 384. The *Grand Jury* conſiſts ordinarily of Twenty-four grave and ſubſtantial Gentlemen, or ſome of the better Sort of Yeomen, choſen indifferently by the Sheriff out of the whole Shire, to conſider of all Bills of Indictment preferred to the Court, which they do either approve by Writing upon them *Billa vera*, or diſallow by indorſing *Ignoramus*: Such as they do approve, if they touch Life and Death, are farther referred to another *Jury* to be conſidered of, becauſe the Caſe is of ſuch Importance; but others of lighter Moment are, upon their Allowance, without more Work, fined by the Bench, except the Party traverſe the Indictment, or challenge it for Inſufficiency, or remove the Cauſe to a higher Court by *Certiorari*; in which two former Caſes it is referred to another *Jury*, and in the later tranſmitted to a higher Court. *Lamb. Eir. lib.* 4. *cap.* 7. and preſently upon the Allowance of this Bill by the Grand Inqueſt, a Man is ſaid to be indicted; ſuch as they diſallow, are delivered to the Bench, by whom they are forthwith cancelled or torn. The *Petit Jury* conſiſts of Twelve Men

Men at the leaſt, and are empanelled as well upon criminal as upon civil Cauſes: Thoſe that paſs upon Offences of Life and Death, do bring in their Verdict either Guilty, or Not guilty, whereupon the Priſoner, if he be found guilty, is ſaid to be convicted, and ſo afterwards receiveth his Judgment and Condemnation, or otherwiſe is acquitted, and ſet free: Of this read *Forteſcue*, *cap.* 47. Thoſe that paſs upon civil Cauſes real, are all, or ſo many as can conveniently be had, of the ſame Hundred, where the Land or Tenement in Queſtion doth lie, being four at the leaſt, and they upon due Examination bring in their Verdict either for the Demandant or Tenant. Of this alſo ſee *Forteſcue*, *cap.* 25, 26. according to which, Judgment paſſeth afterward in the Court, where the Cauſe began: And the Reaſon hereof is, becauſe theſe Juſtices of Aſſiſe are in this Caſe, for the Eaſe of the Country, only to take the Verdict of the *Jury* by Virtue of the Writ called *Niſi prius*, and ſo return it to the Court where the Cauſe is depending. See *Niſi prius*; and *Lambard* in his *Explication of* Saxon *Words*, *verbo* Centuria; His Words are theſe, *In ſingulis centuriis Comitia ſunto, atque liberæ conditionis viri duodeni ætate ſuperiores, una cum Præpoſito ſacra tenentes, juranto, ſe adeo virum aliquem innocentem haud condemnaturos, ſontemve abſoluturos.* See alſo the *Cuſtumary* of *Normandy*, cap. 69. *Vide etiam Enqueſt.* See *Twelve Men*, and *Lambard's Eiren.* lib. 4. c. 3. pag. 384. Mr. *Sheringham*, in his *De Anglorum gentis origine*, derives the Origine of our Jury from a great Antiquity: *Quod autem Wodenus* (*Aſgardiæ Rex*) *dicitur duodecim regni proceres ſibi aſſumpſiſſe, iiſdemque juriſdicendi in populum provinciam dediſſe, hinc forte illa nunquam apud nos ſatis laudanda conſuetudo invaluit, qua duodecim juratis viris, quos patrio ſermone* a Jury *idcirco vocamus, tota juris decernendi & litium expediendi poteſtas conceſſa eſt*, P. 272. This Trial by Jury was anciently called *Duodecim virale Judicium.*

We read it likewiſe in the Laws of King *Æthelred*, made by him at *Wantage*, a Town in *Berkſhire*, *viz. Habeantur placita in ſingulis Wapentakiis ut exeunt ſeniores duodecim Thayni & præpoſitus cum eis jurent ſuper ſanctuarium quod eis dabatur in manus, quod neminem innocentem velint accuſare vel noxium concelare.* 'Tis true, this may ſeem to intend the Number of the Judges, and not of the *Jury*: But the *Jury* themſelves in ſome Caſes are Judges, that is, they are Judges of the Fact, and the Judge is bound to give Sentence according to their Verdict of the Fact.

Jus Coronæ, The Right of the Crown is Part of the Law of *England*, and differs in many Things from the general Law, relating to the Subject. See *Co.* on *Lit. f.* 15. *b.*

Jus Curialitatis Angliæ. See *Curteſy of England.*

Jus Duplicatum Is where a Man hath the Poſſeſſion as well as a Propriety of any Thing. *Bract. lib.* 4. *tract.* 4. *c.* 4.

Jus Hereditatis, The Right of Inheritance. See *Heir.*

Jus Patronatus Is the Right of preſenting a Clerk to a Benefice. See the *New Book of Entries*, *verbo* jure Patronatus *in Quare Impedit*, *fol.* 465. *col.* 3.

Juſta, Among the Cuſtoms obſerved in the Abbey of *Glaſtonbury*.——*In diebus ſolennibus quum Fratres fuerunt in capis medonem habuerunt in* juſtis, *& ſimulas ſuper menſam, & vinum ad caritatem & tria generalia*——Chartular. Abbat. Glaſton. *MS. fol.* 10. So Mon. Angl. *tom.* 1. *pag.* 149. *Percipiet etiam quilibet Fratrum* —— *cotidie* juſtas *duas de cereviſia.* Whence it is plain, that *Juſta* was ſome Pot, or liquid Meaſure.

Juſtes (Fr. *Jouſte*, i. e. *Decurſus*, Lat. *Juxta*) were Contention between Martial Men and Perſons of Honour, with Spears on Horſeback, by way of Exerciſes, and ſingly. *Anno* 24. *Hen.* 8. *cap.* 13. *Edictum Regis* Edw. 1. *prohibendo ſub foriſfactura omnium quæ foriſfacturæ poſſint, quod non Torneant, Bordeant, Adventuras Quarant*, Juſtas *faciant ſeu ad arma præſumant ſine Licentia Regis.* Paſ. 29 Edw. 1. Eſſex 101. See *Tournament.* And it differed from Tournaments as *Species* doth from *Genus*; becauſe Tournaments were all Sorts of military Contentions, and conſiſted of many Men in Troops: But *Juſts* were uſually between two Men, and no more.

Juſtice, *Juſticiarius*, Signifies him that is deputed by the King to do Right by way of Judgment; the Reaſon why he is called *Juſtice* and not *Judex*, is, becauſe in ancient Times the *Latin* Word for him was *Juſticia*, and not *Juſticiarius*, as appeareth by *Glanvile*, *lib.* 2. *cap.* 6. and *Rog. Hovenden*, *part. poſter. ſuor. annal. fo.* 413. Another Reaſon why they are called *Juſticiarii*, and not *Judices*, is, becauſe they have their Authority by Deputation, as *Delegates* to the King, and not *jure Magiſtratus*, and therefore cannot depute others in their ſtead, the *Juſtice* of the Foreſt only excepted, who hath that Liberty eſpecially given him by 32 *H.* 8. 35. for the Chancellor, Marſhal, Admiral, and ſuch like, are not called *Juſticiarii*, but *Judices*: Of theſe *Juſtices* there are divers Sorts in *England*, of the Manner of whoſe Creation with other Appurtenances, read *Forteſcue*, *c.* 51. Theſe in *Magna Charta*, *c.* 12. and other Statutes, are called *Juſticers*,

Juſtice or Chief Juſtice of the King's Bench, (*Capitalis juſtitia vel juſticiarius de Banco Regis, vel ad placita coram rege tenenda*) Is a Lord by his Office while he enjoys it, and the *Chief* of the reſt; His Office eſpecially is to hear and determine all Pleas of the Crown, *viz.* ſuch as concern Offences committed againſt the Crown, Dignity, and Peace of the King; as Treaſons, Felonies, Mayhems, and ſuch like; which you may read in *Bracton*, *lib.* 3. *tract.* 2. *per totam*, and in *Stauudf. Pl. Cor.* from the firſt to the 51. *chap.* of the firſt Book. He alſo, with his Aſſiſtants, heareth all perſonal Actions, and real alſo, if they be incident to his Juriſdiction. See *Cromp.* Jur. *fol.* 67. Of this Court *Bracton*, *lib.* 3. *cap.* 7. *num.* 2. ſaith thus, *Placita vero civilia in rem & perſonam in Curia Domini Regis terminanda, coram diverſis* Juſticiariis *terminantur*; *& illarum curiarum habet unam propriam, ſicut aulam Regiam, &* Juſticiarios capitales *qui proprias cauſas Regis terminant & aliorum omnium per querelam vel privilegium ſive libertatem; ut ſi ſit aliquis qui implacitari non debeat, niſi coram Rege.* This *Juſtice* hath no Patent under the Great Seal, but is made by Writ in this ſhort Form.

REX, *&c.* R. M. *militi ſalutem. Sciatis quod conſtituimus vos* Juſticiarium noſtrum Capitalem, *ad Placita coram nobis tenenda, quamdiu vos bene geſſeritis*, *&c. Teſte*, *&c.*

Of the ancient Dignity of this *Chief Juſtice*, thus, *Liber niger fiſcalis*, *cap.* 4. *In Scaccario reſidet, imo & præſidet, primus in regno* Capitalis, *ſcilicet*, Juſticia. In the Time of King *John*, and other of our

our ancient Kings, it often occurs in Charters of Privileges, *Quod non ponatur respondere, nisi coram nobis vel* Capitali Justicia *nostra*. The Oath of the *Justices*, see in the Stat. 18 *Ed.* 3. *Stat* 4. and in *Origines Juridiciales*, a Catalogue of all the *Lords Chief Justices* of *England*. See *King's Bench*.

He had formerly that Power alone, which afterwards was distributed to three other great Magistrates, that is, he had the Power of the *Chief Justice* of the Common Pleas, of the *Chief* Baron of the *Exchequer*, and of the Master of the Court of Wards. He usually sate in the King's Palace, and there executed that Office which was formerly performed *per Comitem Palacii*: He determined in that Place all Differences which happened between the Barons and other great Men of the Kingdom, and likewise Causes both Criminal and Civil between other Men. And this he did till the 9th Year of *Henry* III. or rather till the 17th of King *John*, when, at the Request of the Nobility, the King granted that *Communia placita non sequerentur Curiam suam, sed in loco certo tenerentur.*

He had that Prerogative to be Vicegerent of the Kingdom when any of our Kings went beyond Sea, and was usually chosen to this Office out of the greatest of the Nobility: But his Power was first diminished by *Richard* I. who made two other Justices, and consigned to each a distinct Jurisdiction, *viz.* to one the North Parts of *England*, and to the other the South. And thus it continued till the Beginning of the Reign of *Edward* I. who reduced them to one Court. And that wise King considering that some former *Chief Justices* made use of their Power in Prejudice to his Father and Grandfather, did farther diminish their Authority, both as to the Dignity of their Persons, and Extent of their Jurisdiction; for no more were chosen out of the Nobility as formerly, but out of the Common People, who were Men of good Morals, and skilful in the Laws. And now began the Study of the Common Law, and not before; and the *Chief Justice* was no longer stiled *Capitalis Angliæ Justiciarius*, but *Capitalis* Justiciarius *ad placita coram Rege tenenda, &c.*

Justice or Chief Justice of the Common Pleas, Hath also the Title of *Lord* whilst he enjoys his Office, and is called *Dominus Justiciarius Communium Placitorum, vel Dominus Justiciarius de Banco*, who with his Assistants did originally, and do yet, hear and determine all Causes at the Common Law, that is, all Civil Causes, as well Personal as Real, between common Persons; wherefore it was called *The Court of Common Pleas*, in Distinction from *The Pleas of the Crown*, or the King's *Pleas*, which are special and appertaining to him only. This Court was appointed to be in a setled Place, and not as other Courts, to follow or attend the King's Court or Palace, as appears by the Stat. 9 *H.* 3. *c.* 11. Of its Jurisdiction, see 4 *Inst. f.* 99. The *Justice*'s Oath, see 18 *E.* 3. *Stat.* 4. Thus *Bracton*, *lib.* 3. *cap.* 7. tells us, that *Justiciariorum alii sunt perpetui certo loco habitantes sicut in Banco loquelas omnes, &c. terminantes, &c.*

Justice of the Forest, *Justiciarius Forestæ*, Is also a Lord by his Office, and hears and determines all Offences within the *Forest*, committed against Vert or Venison: Of these there be two, whereof one hath Jurisdiction over all *Forests* on this side *Trent*, the other of all beyond. The chief Point of their Jurisdiction consisteth upon the Articles of the King's Charter, called *Charta de Foresta*, made *Anno* 9 *H.* 3. concerning which, see *Cambd. Brit. pag.* 214. See *Protoforestarius*. The Court where this *Justice* sits and determines, is called *The Justice-Seat of the Forest*, held once every three Years, as you may read in *Manwood's Forest Laws*, *cap.* 24. He is also called *Justice in Eyre of the Forest*; and is the only *Justice* that may appoint a Deputy, by the Statute of 32 *H.* 8. 35.

Justice of the Hundred, (*Justiciarius Hundredi.*) *Erat ipse* Hundredi Dominus, *qui & Centurio & Centenarius*, Hundredique *Aldermannus appellatus est. Præerat omnibus* Hundredi *Friborgis, cognovitque de causis majusculis, quæ in eisdem finiri non potuerunt.* Spelm.

Justices of Assise, *Justiciarii ad capiendas Assisas*, Are such as were wont by special Commission to be sent (as Occasion was offered) into this or that County, to take *Assises* for the Ease of the Subjects; for whereas these Actions pass always by Jury, so many Men could not, without great Damage and Charge, be brought up to *London*, and therefore *Justices* for this Purpose, by Commission particularly authorised, were sent down to them. For it seems, that the *Justices* of the *Common Pleas* had no Power to take *Assises* till the Stat. of 8 *R.* 2. *cap.* 2. for by that they were enabled to it, and to deliver Gaols. And the *Justices* of the *King's Bench* have by that Statute such Power affirmed unto them, as they had One hundred Years before. These Commissions *ad capiendas Assisas*, have of late Years been setled and executed only in *Lent*, and the *long Vacation*, when the *Justices*, and other learned Lawyers, may be at leisure to attend those Controversies; whereupon it also falls out, that the Matters that were wont to be heard by more general Commissions of *Justices in Eyre*, are heard all at one Time with these *Assises*, which was not so of old, as appears by *Bracton*, *lib.* 3. *cap.* 7. *num.* 2. *Habeat etiam* justiciarios *itinerantes de Comitatu in Comitatum, quandoque ad omnia placita; quandoque ad quædam specialia, sicut* Assisas, *&c. & ad Gaolas deliberandas; quandoque ad unam vel duas & non plures.* And by this Means the *Justices* of both Benches being worthily accounted the fittest of all others, and their Assistants, were employed in these Affairs. But no *Justice* of either Bench, or any other, may be *Justices of Assise* in his own County, *Anno* 8 *R.* 2. 2. and 33 *H.* 8. 24. And those who now are called *Justices of Assise*, and twice every Year go the Circuit, by two and two through all *England*, dispatch their several Businesses by several Commissions. *Cromp.* Jur. *fol.* 210. For they have one Commission to take *Assises*, another to deliver Gaols, another of *Oyer* and *Terminer*, *&c.* That *Justices of Assise*, and *Justices in Eyre* did anciently differ, appeareth by 27 *E.* 3. *cap.* 5. And that *Justices of Assise*, and *Justices of Gaol-Delivery* were divers, is evident by 4 *E.* 3. 3. The Oath taken by *Justices of Assise* is all one with that taken by the *Justices* of the *King's Bench*. *Old Abridgement of Statutes*, Tit. *Sacramentum justiciariorum*. See *Oath*.

Justices of Oyer and Terminer, *Justiciarii ad audiendum & terminandum*, Were *Justices* deputed upon some special or extraordinary Occasions, to hear and determine some peculiar Causes. *Fitzherbert* in his *Nat. Brev.* saith, That the Commissi-

on *d'Oyer and Terminer* is directed to certain Persons upon any great Assembly, Insurrections, heious Misdemeanors, or Trespasses committed. And because the Occasion of granting this Commission should be maturely weighed, it is provided by the Statute made 2 *E.* 3. *cap.* 2. That no such Commission ought to be granted, but that they shall be dispatched before the *Justices* of the one Bench or other, or *Justices Errant*, except for horrible Trespasses, and that by the special Favour of the King. The Form of this Commission, see *F. N. B. f.* 110.

Justices in Eyre, *Justiciarii itinerantes*, Are so termed of the old *French* Word, *Erre*, *Iter*, as (*a grand Erre*, i. *magnis itineribus*,) proverbially spoken. These in ancient Time, were sent with Commission into divers Countries to hear such Causes especially, as were termed *Pleas of the Crown*. And this was done for the Ease of the People, who must else have been hurried to the King's Bench, if the Case were too high for the County-Court: They differed from the *Justices of Oyer and Terminer*, because they (as we said before) were sent upon one or few special Causes, and to one Place, whereas the *Justices in Eyre* were sent through the Provinces and Counties of the Land, with more indefinite and general Commission, as appeareth by *Bracton*, *lib.* 3. *c.* 11, 12, 13. and *Britton*, *cap.* 2. And again, because the *Justices of Oyer and Terminer* were sent uncertainly upon any Uproar, or other Occasion in the Country; but these in *Eyre* (as Mr. *Gwin* sets down in the *Preface to his Reading*,) were sent but every seven Years once, with whom agrees *Horne* in his *Mirror of Justices*, lib. 2. cap. *queux poient estre actours*, *&c. Et* lib. 2. cap. *des peches criminals*, &c. *al suit del Roy*, *&c.* And lib. 3. cap. *de Justices in Eyre*: Where he also declares what belongs to their Office. [But there is a Book intituled *Orig. juridiciales*, which says, They went oftner.] These were instituted by King *Henry* the Second, as *Cambd.* in his *Brit.* witnesseth, *pag.* 104. and *Hoveden par. post. suor. annal. fol.* 313. hath of them these Words, *Justiciarii itinerantes*, *constituti per* Henricum *Secundum*, *qui divisit Regnum suum in sex partes*, *per quarum singulas tres* justiciarios *itinerantes constituit*, *&c.* In some respect they resembled our *Justices of Assise* at present, though their Authority and Manner of Proceeding much differ. *Co.* on *Lit. f.* 293.

Justices of Gaol-Delivery, *Justiciarii ad Gaolas deliberandas*, Are such as are sent with Commission to hear and determine all Causes appertaining to such as for any Offence are cast into the *Gaol*: Part of his Authority is to punish such as let to Mainprise those Prisoners that be not bailable by Law, nor by the Statute *de finibus*, *cap.* 3. *F. N. B. fol.* 151. These seem in ancient Time to have been sent into the Country upon this several Occasion; but afterwards *Justices of Assise* were likewise authorised to this. *Anno* 4 *E.* 3. *cap.* 3. There Oath is all one with other of the King's *Justices* of either Bench. *Old Abridgment of Statutes*, Tit. *Sacramentum justiciariorum.* See *Oath.*

Justicements, From *Justicia*, All Things belonging to *Justice*. *Co.* on *Westm.* 1. *fol.* 225. Also the Effects or Execution of *Justice*, or of Jurisdiction.

Justices of the Jews, (*Justiciarii ad Custodiam Judæorum assignati*,) King *Richard* I. after his Return out of the Holy Land, *Anno* 1194. appointed particular *Justices*, Laws, and Orders, for preventing the Frauds, and regulating the Contracts and Usury of the *Jews*. *Hoveden*, *parte post. pag.* 745. Claus. 3 *Ed.* 1. *M.* 19.

Justices of Labourers Were *Justices* heretofore appointed to redress the Frowardness of *Labouring Men*, that would either be idle, or have unreasonable Wages. See 21 *E.* 3. *c.* 1. 25. *E.* 3. *c.* 8. and 31 *E.* 3. *c.* 6.

Justices of Nisi Prius Are all one at this Time with *Justices of Assise*, for it is a common Adjournment of a Cause in the *Common Pleas*, to put it off to such a Day, *Nisi prius justiciarii venerint ad eas partes ad capiendas Assisas*; and upon this Clause of Adjournment they are called *Justices of Nisi prius*, as well as *Justices of Assise*, by reason of the Writ or Action that they have to deal in. Their Commission you may see in *Cromp. Jur. fol.* 204. yet with this Difference between them, that *Justices of Assise* have Power to give Judgment in a Cause, but *Justices of Nisi prius* only to take the Verdict. But in the Nature of both their Functions, this seems to be the greatest Difference, that *Justices of Nisi prius* have to deal in Causes personal as well as real; whereas *Justices of Assise*, in strict Acceptation, meddle only with the possessory Writs called *Assise*.

Justices of the Pavilion (*Justiciarii Pavilonis*) Are certain Judges of a *Pyepowder-Court*, of a most transcendent Jurisdiction, held under the Bishop of *Winchester* at a Fair on St. *Giles's Hill*, near that City, by Virtue of Letters Patent granted by *Richard* the Second, and *Edward* the Fourth. *Episcopos* Wynton. *& successores suos*, *a tempore quo*, *&c.* Justiciarios *suos*, *qui vocantur* Justiciarii Pavilonis, *cognitiones placitorum & aliorum negotiorum eadem Feria durante*, *necnon claves portarum & custodiam prædictæ Civitatis nostræ* Wynton, *pro certo tempore Feriæ illius*, *& nonnullas alias libertates*, *immunitates & consuetudines habuisse*, *&c.* See the *Patent* at large in *Prynne's Animad.* on 4 *Inst. fol.* 191.

Justices of the Peace (*Justiciarii ad Pacem*) Are those who are appointed by the King's Commission to attend the Peace of the County where they dwell; of whom some, for special Respect, are made of the *Quorum*, because Business of Importance may not be dispatched without the Presence or Assent of them, or one of them. See *Quorum*. The Office and Power of these is various, and grounded upon several Statutes, too long to recite. They were called *Guardians of the Peace* till the Thirty-sixth Year of *Edward* the Third, *cap.* 12. where they are called *Justices*. *Lamb. Eiren. lib.* 4. *c.* 19. *pag.* 578. See *Shepherd's Sure Guide for* Justices of Peace.

Justices of Peace within Liberties (*Justiciarii ad Pacem infra Libertates*) Are such in Cities, and other corporate Towns, as those others of the Counties; and their Authority or Power is all one within their several Precincts. *Anno* 27 *H.* 8. *cap.* 25.

Justices of Traile-baston Were a Kind of *Justices* appointed by King *Edward* the First, upon Occasion of great Disorders grown in the Realm, during his Absence in the *Scotch* and *French* Wars. In the *Old N. B. fol.* 52. they are stiled *Justices of Trial-baston*: But by *Holinshed* and *Stow*, *Traile-baston*, so called (say they) of *trailing*, or

or drawing the Staff of *Juſtice*: Or according to *Co.* 12. *Rep. fol.* 25. for their ſummary Proceedings, who ſays alſo, They were, in a Manner, *Juſtices in Eyre*, and their Authority founded on the Statute of *Ragman*. Their Office was to make Inquiſition through the Realm, by the Verdict of ſubſtantial Juries, upon all Officers, as Mayors, Sheriffs, Bailiffs, Eſcheators, and others, touching Extortion, Bribery, and other ſuch Grievances; as Intruſions into other Mens Lands, Barretors, and Breakers of the Peace, with divers other Offenders; by Means of which Inquiſitions, many were puniſhed by Death, many by Ranſom, and the Reſt flying the Realm; the Land was quieted, and the King gained great Riches towards the Support of his Wars. See *Mat. Weſtm.* in *Anno* 1305. In the *Hiſt. Roffen. fol.* 200, *ſub anno* 1305, which may be ſaid to be co-etanous with theſe *Juſtices*, he gives the following Account of their Office. *Circa hæc tempora proceſſit in publicum novæ inquiſitionis breve, quod anglice dicitur* Trail-baſton, *contra Intruſores, Conductitios hominum vapulatores, conductitios ſeiſinæ captores, pacis infractores, raptores, incendiarios, murderatores, pugnatores. Multi hoc perempti, multi redempti, multi noxii, pauci innoxii ſunt inventi. Adeo quidem rigide proceſſit hujus coertionis juſtitia, quod pater proprio filio non parceret, &c. dira multa.* As to the Name *Traile-baſton*, there are divers Opinions; ſome think that *Baſton* ſignifies the Beam of a Pair of Scales, and ſo is metaphorically applied to the juſt poiſing of Recompence for Offences committed. Others think it may be derived from the French (*Treilles*, i. *Cancelli*) Bars or Lattices, a Grate with croſs Bars: Others from the Word *Treille*, i. *Pargula*, a Frame or Rail, ſuch as Vines uſe to run upon; and *Baſton*, a Staff or Pole, inferring, that the *Juſtices* imployed in this Commiſſion, had Authority to proceed without any ſolemn Judgment-Seat, but might without more work proceed wherever they could apprehend the Malefactors they ſought for. If I may be admitted to give my Thoughts, I ſuppoſe, it may be derived from the *French* Word *Trayl*, *i.* to draw; and *Baſton*, a Staff; and the Reaſon of this my Suppoſition, is, that the Kings of *England* having in thoſe Times many Occaſions in *France*, by Reaſon of their frequent Wars there; and obſerving that the Marſhals of *France* had a large Power, with which they were inveſted by the Delivery of a *Baſton*, (or as we call it a *Battoon*) the Enſign of their Office and Authority; when they returned and found ſtrange Diſorders grown here, in Imitation of that, erected theſe *Juſtices*, who (as they ſay) had a *Baſton* delivered them as the Badge of their Office, ſo that whoever was brought before them was *Traille al Baſton, traditus ad Baculum*; whereupon with Submiſſion, may their Name eaſily be deduced, and they called *Juſtices de Trail-Baſton*, or *Juſticiarii ad trahendum offendentes ad baculam vel* baſton. We find a Commiſſion of *Trail-baſton, coram Rogero de Grey & Sociis ſuis* Juſtic. *apud S. Albanum, Anno Regni Regis* E. 3. *poſt conqueſtum*, 5. See *Spelman's Gloſſ. verbo* Trail-baſton.

Juſticiar, (Fr. *Juſticier*,) a *Juſtice*, or *Juſticier* The Lord *Bermingham, Juſticiar* of *Ireland*. Baker's Chron. Angliæ, fol. 118.

Juſticiarii *ad Placita tranſgreſſionum Monetæ audienda & terminanda.* Clauſ. 7 Edw. 1. M. 6. de Judæis.

Juſticiatus. *Nos, quantum in ipſis eſt, de noſtro Domino & alto* Juſticiatu, *quæ ibidem optinere noſcimur excludendo.* Pat. 31 Edw. 3. Par. 1. M. 19. intus. Judicature, Prerogative, or Juriſdiction.

Juſtice-Seat Is the higheſt Court that is held in a Foreſt, and is always held before the Lord Chief *Juſtice in Eyre of the Foreſt*, upon warning forty Days before; and there the Judgments are always given, and the *Fines* ſet for Offences, that were preſented at the Courts of Attachments, and the Offenders indicted at the *Swainmotes*, concerning which, ſee *Manwood's Foreſt-Law, cap.* 24.

Juſticies Is a Writ directed to the Sheriff, for the diſpatch of *Juſtice* in ſome ſpecial Cauſe of which he cannot by his ordinary Power hold Plea in his County-Court. Hereupon the Writ *de excommunicato deliberando*, is called a *Juſticies* in the *Old Nat. Brev. fol.* 35. Alſo the Writ *de homine replegiando*, Ibid. *fol.* 41. And the Writ *de ſecunda ſuperoneratione paſturæ*, Ibid. *fol.* 73. There are many Precedents of this in *F. N. B. fol.* 117. in *Account*, and *fol.* 152. in *Annuity*, and *fol.* 119. in *Debt*. *Kitchin, fol.* 74. ſays, That by this Writ of *Juſticies*, the Sheriff may hold Plea of a great Sum, whereas, of his ordinary Authority, he can hold no Pleas, but of Sums under Forty Shillings, with whom agrees *Crompton, fol.* 231. It is called a *Juſticies*, becauſe it is a Commiſſion to the Sheriff *ad juſticiandum aliquem*, to do a Man Juſtice, and requires no Return, or any Certificate of what he hath done. *Bract. lib.* 4. *tract.* 6. *cap.* 13. *num.* 2. mentions a *Juſticies* to the Sheriff of *London*, in a Caſe of *Dower*. See the *New Book of Entries, verbo*, Juſticies.

Juſtificare, To paſs Judgment. *Et totam aliam terram habeat & terræ habitatores ſub ſe, & juſtificet.* Brompton. Du Freſne.

Juſtification, *Juſtificatio*, Is an Affirming or Shewing good Reaſon in Court, why he did ſuch a Thing as he is called to anſwer, as to *juſtify* in a Cauſe of Replevin. *Broke*, Tit. *Replevin.*

Juſtificatores, (*Juſtificatores.*) *Will. Rex Angliæ H. Camerario & Juſtificatoribus ſuis, omnibus ſuis fidelibus Norf. ſalutem. Inquirite per Comitatum quis juſtius hujuſmodi foriſfacturam haberet tempore Patris mei, ſive Abbas Rameſiæ ſive anteceſſor W. de Albenio. Et ſi Comitatus concordaverit quod Abbas rectius prædictam foriſfacturam debet habere, tunc præcipio ut C. ſolidi, quos Radul. Paſſel. implacitavit, ſine mora Abbati reddantur. T. Epiſcopo Dunelmenſi.* Sir *Henry Spelman* leaves it thus without Explication. *Juſtificators* ſeem to ſignify *Compurgatores*, or thoſe that by Oath *juſtify* the Innocency, Repute, or Oath of another, as in the Caſe of *Waging Law*. Alſo Jurymen, becauſe they *juſtify* that Party on whoſe behalf they give their Verdict.

Juſtitia Was anciently uſed for a Judge, and ſometimes for a Statute, Law, or Ordinance. *Richardus Dei Gratia. Sciatis, Nos, de communi proborum virorum conſilio, feciſſe has* Juſtitias *ſubſcriptas.* Hoveden, p. 666.

Juſtitia Is often taken for Juriſdiction, or the Office of a Judge. *Leg. Edw. Conf. cap.* 26. Juſtitia *cognoſcentis Latronis ſua eſt de homine ſuo.*

Juſtitia, He who now is called *Juſtitiarius* was formerly called *Juſtitia, i e.* a Judge. *Leg. H.* 1. *c.* 42. *A Rege vel* Juſtitia *ejus, vel a Communi utrorumque Domino ſubmoneatur.*

Juſtitias facere Is to hold Plea of any Thing. Mr. *Selden*, in his *Notes* upon *Eadmerus*, mentioning that Plea which was held at *Pinnenden* between Archbiſhop *Lanfranck* and *Odo* Biſhop of

Bayeux, tells us, *Huic placito interfuerunt Goisfredus Epiſcopus Conſtantienſis, qui in loco Regis fuit, & Juſtitiam illam tenuit, Lanfrancus Epiſcopus qui ut dictum eſt placitavit & totum dirationavit, &c.*

Juſtitium, A Ceaſing from the Proſecution of Law, and Exerciſing *Juſtice* in Places Judicial. The *Vacation*. *LL. Canuti.*

K.

Kalendar Month, Mentioned, 16 *Car.* 2. *c.* 7. conſiſts of 30 or 31 Days, (excepting *February*, which never hath more than 28, unleſs in *Leap-Year*, and then but 29.) Twelve of which *Months* being thoſe mentioned in the *Kalendar* make a Year, which we call vulgarly in the ſingular Number, *A Twelvemonth*. But if in the plural Number, we ſay *Twelvemonths*, then ſhall it be accounted a *Month* of Weeks, which is but 28 Days. See *Co. lib.* 6. *f.* 81. *Catesby's* Caſe. See *Computation.*

Kalendæ, Rural Chapters, or Conventions of the Rural Dean and Parochial Clergy; ſo called, becauſe held on the *Kalends*, or firſt Day of every Month: As at firſt every three Weeks, and at laſt only once a Quarter, and by Degrees wholly intermitted, to the great Decay of Diſcipline. See *Parochial Antiquities*, by Mr. *Kennet*, *p.* 640.

Kalends, the Beginning of a Month.

Kantref. According to the Deſcription of Mr. *Humfrey Lloyd*, out of the Laws and Ordinances of *Howeldda*, a *Kantref* had its Denomination from One hundred Towns, and ſignifies as much, under which were contained ſo many Commots, which the *Welſh* call *Cwmmwd*, and ſignifies *Provincia* or *Regio*, and conſiſted of Twelve Manors or Circuits, and two Townſhips. We find the Word mentioned in *Mon. Ang.* 1. *part. f.* 319. thus —— *Le primier Conquereur de trois* Kantref *de la terre de* Brechnoch, *eſtoit* Bernard *de* Neſmarch Norman. See *Cantred.*

Karite, Carite, The Religious called their beſt Conventual Drink, or their ſtrong Beer, by this Name; becauſe I preſume, after Meals, they uſed to drink their *Pocula Caritatis*, or *ad Caritatem*, *i.e.* their Grace-cups, in this beſt Liquor. ——*Willielmus Powcher Prior Eccleſiæ Cath. Elyen. & Conventus.*——*conceſſimus Magiſtro Petro Penteley Medico unum corrodium in domo noſtra, videl. quolibet die duos panes de celario, unum album de paſtu conventuali vocatum* Houſhold-loof *& alium nigrum vocatum* Black-white-loof, *& unam menſuram cerviſiæ bonæ, vocatæ* Karite, *ex eodem vaſe de quo Conventui ipſi eodem die deſervitur.* —— *Ex Cartular. Eccleſ. Elyen. MS. penes Joh. Epiſc. Norwic. MS.* And *unum Carite* was uſed for one Grace-Cup, as *William* Prior of *Ely*, and the Convent, granted to *Alice Appilton* one daily Corody, *videl. unam panem vocat.* Black-white-loof, *& unam menſuram cerviſiæ melioris conventus, ſeu de dolio conventus, vocat. unum* Carite *per diem. Dat.* 8 *Apr.* 1411. ib.

Karle (Sax.) a Man; and ſometimes a Servant or Clown. Hence the *Saxons* called a Seaman a *Buſcarle*, and a Domeſtick Servant *Huſcarle*. This Word is often found in *Domeſday*, *Selden's Mare Clauſum*, and other ancient Records. From hence, by Corruption, comes our modern Word *Churle.*

Karvie, *Matthew Paris* in the Lives of the Abbots of St. *Albans*, under *Paul* the fourteenth Abbot. *Anno* 1077. *pag.* 52.—— *Minutis autem qui de ſua conſuetudine paſtillis carneis veſcebantur, eſus ſabtraxit inordinatos, & pro carne, de allece & liborum eduliis congeſtum quoddam ferculum ipſis in communi cumulavit. Quod more Normannorum* Karpie *quaſi* Karempic *ſophiſtice nominavit.* Dr. *Watts* confeſſes himſelf ignorant of the Meaning of this Word. *Du Freſne* thinks it was the ſame with *Carpeia*, which was a Part of *Lenten* Fare, or a Diſh of ſalted or dried Fiſh, chopped and minced together with other Ingredients to make it more ſavoury, as we now dreſs a cold pickled Herring, or what is called by the barbarous Name of *Salmagundy.*

Karrata fæni, (*Mon. Angl.* 1 *Par. f.* 548. *b.*) a Cart-load of Hay. See *Carecta.*

Karyns, *i. e.* Lent. Fr. *Careſmes.* (Lat. *Quadrageſima.*)

Kay, (*Kaia & Caya*, Sax. *Læg*, Teut. *Kay*,) *Area in littore onerandarum atque exenorandarum navium cauſa, e compactis tabulis trabibuſque (clavium inſtar) firmata.* A Wharf to land or ſhip Goods or Wares at. The Verb *Caiare*, in old Writers, ſignifies (according to *Scaliger*) To keep in, or reſtrain; and ſo is the Earth or Ground, where *Kays* are made, with Planks and Poſts. *Nunc ille curſus aquæ per ſordes & inundationes Tamatorum, & per varias perturbationes in prædicta aqua factas, & maxime per exaltationem* Caye, *& diverſionem aquæ, quam ipſi de Novo Templo fecerunt ad Molendina ſua extra Caſtra Baignard, quod naves prædictæ minime intrare poſſunt, ſicut ſolebant.* Pla. & Petitiones in Parl. Anno 35 Ed. 1.

Kayage, (*Kaiagium*,) *Portorium quod* Kaiæ *nomine exigit Telonarius.* The Money or Toll paid for loading or unloading Wares at a *Kay* or Wharf. *Rot. Pat.* 1 *Ed.* 3. *m.* 10. and 20 *Ed.* 3. *m.* 1.

Kebbars. *Cooper* in his *Theſaurus* renders *Oves rejiculæ* by *Kebbars* or *Cullers*, drawn out of a Flock of Sheep. But where or why the refuſe Sheep are thus called, is perhaps not worth enquiring.

Kedel. (*Anno* 12 *Ed.* 4. *cap.* 7.) See *Kiddle.*

Keelage. See *Killagium.*

Keep, A ſtrong Tower in the Middle of any other Fort or Caſtle, wherein the beſieged make their laſt Efforts of Defence, was called a *Keep.* Hence the inner Pile of Fortification within the Caſtle of *Dover*, erected by King *Henry* II. about the Year 1153. was called the *King's Keep.* So at *Windſor*, *&c.*

Keeper of the Foreſt, *Cuſtos Foreſtæ*, Is alſo called *Chief Warden of the* Foreſt, *Manwood* Foreſt Laws, *part.* 1. *pag.* 156. and hath the Principal Government of all Things, and the Check of all Officers belonging to the ſame; and when it pleaſeth the Lord Chief Juſtice in *Eyre of the Foreſt* to keep his Juſtice-Seat, he ſends out his Warrant, or general Summons, to him forty Days before, for the Warning of all Under-Officers to appear before him at a Day aſſigned in the Summons, which ſee in *Manwood*, *ubi ſupra.*

Keeper of the Great Seal, *Cuſtos magni ſigilli*, Is a Lord by his Office, and ſtiled *The Lord Keeper of the Great Seal of* England: He is one of the King's Privy Council; through whoſe Hands paſs all Charters, Commiſſions, and Grants of the King under the *Great Seal*; without which *Seal*, all ſuch Inſtruments by Law are of no Force. For the King is in the Interpretation of Law a Corporation, and paſſeth nothing firmly but

but under the ſaid *Seal*, which is as the publick Faith of the Kingdom in the high Eſteem and Reputation juſtly attributed thereto. This *Lord Keeper*, by the Statute 5 *Eliz.* 18. hath the ſame Place, Authority, Prehemínence, Juriſdiction, Execution of Laws, and all other Cuſtoms, Commodities, and Advantages, as hath the *Lord Chancellor of* England for the Time being. He is conſtituted by the Delivery of the *Great Seal* to him, and taking his Oath. *Co.* 4. *Inſt. fol.* 87.

Keepers of the Liberties of England By Authority *of Parliament*. See *Cuſtodes Libertatis*.

Keeper of the Privy Seal, *Cuſtos privati ſigilli*, Is a Lord by his Office, through whoſe Hands paſs all Charters ſigned by the King before they come to the *Great Seal*, and ſome Things which do not paſs the *Great Seal* at all: He is of the King's *Privy* Council, and was anciently called *Clerk of the Privy Seal.* 12 R. 2. *cap.* 11. *Gardien del Privy Seal*, in Rot. Parl. 11 H. 4. *num.* 28. And Lord *Privy Seal*, and one of the great Officers of the Kingdom, by 34 *H.* 8. 4.

Keeper of the Tower, 12 *Hen.* 6. 14. ſeems to be that Officer in the King's *Mint*, at this Day called *The Maſter of the Aſſay*. See *Mint*.

Kellus, In digging the Tin-Mines in *Cornwall*, next the Load or Vein of Tin, there is a Floor which they call *Spar*, above which lies another Kind of Subſtance like a white ſoft Stone, which they call *Kellus*.

Kelp, Made of Sea-wrack or Weed laid on Heaps, dried and burned, ſtirred to and fro with an Iron Rake till it condenſes and cakes together; uſed chiefly in making Alom.

Kencheſter. See *Ariconium*.

Kendall Barony. See *Concagii*.

Kenegeld, (*Sax.*) Spel. de Concil. 1 Tom. fol. 406. See *Cenegild*.

Kennets, A Sort of Coarſe *Welſh* Cloth, mentioned *Anno* 33 *H.* 8. *cap.* 3.

Kenninga. See *Cenninga*.

Kerhere, —— *Inquiſitio & extenta terrarum & tenementorum, quæ fuerunt Roberti de Monte-alto nuper defuncti, in Reſeng in Norf. facta die lunæ in craſtino S. Fidis, videlicet, Regni Regis Edwardi tertio* —— *item de quadam conſuetudine quæ vocatur* Kerhere *ad Feſtum S. Michaelis* 12 *denar. Ex* bundello Eſcheat. anno 3 Ed. 1. Perhaps a Commutation for the cuſtomary Duty of *Carrier*, or Carriage of the Lord's Goods.

Kernellare domum, To build a Houſe with a Wall or Tower, *kernelled* or *crenelle*, with Cranies or Notches, for the better Convenience of ſhooting Arrows, and making other Defence. *Spelman* derives it from the Sax. *Cyrnel*, a Seed or Kernel; from whence, ſays he, *Cyrnelen*, to riſe in Knobs or Bunches. But *Du Freſne* juſtly reflects on this Violence done to the Word, and finds it to be *quarnellus* or *quadranellus*, a four Square Hole or Notch; *ubicunque patent quarnelli ſive feneſtræ*. This Form of Walls and Battlements for military Uſes, and chiefly for ſhooting with Bows and Arrows, might poſſibly borrow Name from *quadrellus*, a four ſquare Dart

Nec tamen interea ceſſat baliſta vel arcus,
Quadrellos hæc multiplicat, pluit illa ſagittas.

It was a common Favour granted by our Kings, after Caſtles were, for preventing Rebellion, demoliſhed, to give their chief Subjects Leave to fortify their Manor-Houſes with *kernelled* Walls. *Licentiam dedimus Johanni de Handlo quod ipſe manſum ſuum de Borſtall juxta Brehull in Com. Buck. muro de petra & calce firmare & kernallare poſſit.* Dat. 12. Sept. 1312. *Paroch. Antiq. pag.* 353. Which Form of Work does now appear in that ancient Seat of *Borſtal*, *Com. Buck.* in the Poſſeſſion of the very worthy Sir *John Aubrey* Baronet.

Kernellatus, (from the Lat. *Crena*, a Notch.) *Et dux* (ſc. Lanc.) *dicit, quod ipſe clamat pro ſe & hæredibus ſuis habere Caſtrum ſuum de* Halton, Kernellatum. *Pl. de quo Warr. apud Ceſtriam*, 31 *E.* 3. Fortified or Embattelled. *Roſtormel. Erat ibidem quoddam Caſtrum duplici muro* Kernellatum, *&c.* Survey of the *Dutchy* of *Cornwal*.

Kernes, Idle Perſons, Vagabonds *Nec non de illis qui dicuntur* Idle-Men, *& Maleſactoribus, qui etiam* Kernys *dicuntur*. Pat. 5 E. 3. p. 1. m. 25 & Ord. Hibern. 31 Ed. 3. m. 11, 12.

Kevere, A Cover or Veſſel uſed in a Dairy-Houſe for Milk or Whey, ——— *Compotus Henrici Deye & Johannæ uxoris de exitibus & proventibus de Dayri. Allocantur pro novo* Kevere *empto viii. den.* Paroch. Antiq. pag. 386. In *Devonſhire* a *Keeve* is the Butt or Fatt wherein they work their Beer.

Keples or **Keeles**, (*Ciuli* or *Ciules*) A Kind of long Boats of great Antiquity, mentioned *Anno* 23 *H.* 8. *c.* 18. *Longæ Naves quibus Brittaniam primo ingreſſi ſunt Saxones.* Spel.

Keyng ——— *Robertus de Tuteſhal, Epiſcopus Norwicenſis, & Rogerus de Monte-alto conceſſerunt, quod ipſi ex tunc non caperent, aut per ballivos ſuos capi facerent, aliquod Theoloneum pro caſeo & butiro ſuper uncto leguminibus & hujuſmodi niſi in groſſo vendentur, & quod non caperent aut capi facerent de quinque pellibus rubeis quæ vocantur* Keyng *niſi unum obolum tantum. Placit. Parl.* 18 *Ed.* 1. Whence it ſeems plain that a *Keyng* was five Fells or Pelts, or Sheep-Skins with their Wool on them.

Kepus, **Keys**, A Guardian, Warden, or Keeper. ——— *Nolo etiam quod aliquis Seneſchallus, Conſtabularius, Ballivus,* Keys, *ſive Foreſtarius, Serviens, vel venator* ——— *per terras eorum venientes, ab ipſis nec ab hominibus ſuis paſcantur.* ——— Mon. Angl. *Tom.* 2. *p.* 71. In the *Iſle of Man*, the 24 chief Commoners, who are as it were the Conſervators of the Liberties of the People, are called the *Keys* of the Iſland.

Kichell, A Cake: It was a good old Cuſtom for Godfathers and Godmothers, every Time their God-Children asked them Bleſſing, to give them a Cake; which was called a *God's Kichell*. It is ſtill a proverbial Saying in ſome Counties, *Ask me Bleſſing, and I will give you ſome Plumb-Cake*.

Kidder, *Anno* 5 *El. cap.* 12. ſays, *Every Perſon being a common Badger*, Kidder, *Lader or Carrier*. Whereby it ſignifies one that badges, or carries Corn, dead Victual, or other Merchandiſe, up and down to ſell; called alſo *Kyddiers*, 13 *El. cap.* 25.

Kiddiers, (*Anno* 13 *Eliz. cap.* 25.) See *Kidder*.

Kiddle, **Kidel**, or **Kedel**, (*Kidellus*) a Dam, or open Wear in a River, with a Loop or narrow Cut in it, accommodated for the laying of Weels or other Engins to catch Fiſh. 2 *Part. Inſt. fol.* 38. *Anguſtias, machinas ſive ingenia in fluminibus poſita ad Salmones alioſque piſces intercipiendos*

piendos. Fiſhermen corruptly call them *Kettles*: The Word is ancient, for in *Magna Charta, cap.* 24. we read thus, *Omnes* Kidelli *deponantur de cætero penitus per Thameſiam & Medeweyam & per totam Angliam, niſi per coſteram Maris.* And in a Charter made by King *John*, Power was granted to the City of *London*, *De* Kidellis *amovendis per Thameſiam & Medeweyam. Anno* 1 *H.* 4. *cap.* 12. it was accorded, (*inter alia*) That a Survey ſhould be made of the Wears, Mills, Stanks, Stakes, and *Kidels*, in the great Rivers of *England. Inq. capt. apud Derb.* 15 *Nov.* 1 *Eliz. poſt mortem* Tho. Fyndern, &c. *Et fuit ſeiſitus de uno* Kidello *vocat.* a Were, *ac de libera piſcaria in Potlok.* Eſc. Bundello, 3. They are now called *Kettles* or *Kettle-Nets*, and are much uſed on the Sea Coaſts of *Kent* and *Wales.*

Kilderkin, the eighth Part of an Hogſhead.

Kilketh, An ancient ſervile Kind of Payment, for in an old Manuſcript 'tis thus written. *Kilketh pro qualibet Hundreda*, 2 *denar.*

Killagium, Keelage, *Robertus de Brus habet apud Hertelpole, portum maris, & capit ibi* Killagium, *ſcil. de qualibet navi cum Batello, applicante ibi, octo denar. & de qualibet navi ſine Batello quatuor denar.* Rot. Parl. 21 Ed. 1. Tit. Northumberland.

Killpthſtallion Is where a Lord of a Manor was bound by Cuſtom to provide a *Stallion* for the Uſe of his Tenants Mares. *Spelm.*

Kilth, *Ac omnes annuales redditus de quadam conſuetudine in Ewyas Lacy vocat.* Kilth. Pat. 7 Eliz. pag. 7. *Spelm.* confeſſeth he did not know the Meaning of the Word.

King, *Rex*, Is thought by *Cambden* in his *Brit. pag.* 105. to be contracted from the *Saxon* Word *Cyning* for *Coning*, ſignifying him that hath the higheſt Power, and abſolute Rule over the whole Land; and therefore the *King* is in Intendment of Law cleared of thoſe Defects which common Perſons are ſubject to; for he is always ſuppoſed to be of full Age, although never ſo young. *Cromp. Jur fol.* 134. *Kitchin, fol.* 1. He is taken as not ſubject to Death, but is a Corporation in himſelf. *Cromp. ibid.* He is *ſupra Legem* by his abſolute Power. *Bract. lib.* 1. *cap.* 8. *Kitch. f.* 8. And though for the better and more equal Courſe in making Laws, He do admit the three Eſtates, that is, Lords Spiritual, Lords Temporal, and the Commons, unto Council; yet this derogates not from his Power; for whatever they Act, He by his negative Voice may quaſh. See concerning this, *Smith de Rep. Anglor. lib.* 1. *cap.* 3. and *Bracton, lib.* 2. *cap.* 16. *num.* 3. and *Britton, c.* 39. He pardoneth Life and Limb to Offenders againſt his Crown and Dignity, except ſuch as he bindeth himſelf by Oath not to forgive. *Staund. Pl. Cor. lib.* 2. *cap.* 35. And *Habet omnia jura in manu ſua.* Bracton, *lib.* 2. *cap.* 24. *num.* 1. He may alter or ſuſpend any particular Law that ſeems hurtful to the Publick. *Blackwood in Apologia Regum, cap.* 11. For the *King*'s Oath, ſee *Bracton, lib.* 3. *c.* 9. *num.* 2.

Again, the *King*'s only Teſtimony of any Thing done in his Preſence, is of as high Nature and Credit as any Record; whence it comes, That in all Writs or Preeepts ſent out for the Diſpatch of Juſtice, He uſeth no other Witneſs than himſelf, always uſing theſe Words at the End. *Teſte Meipſo.* Laſtly, He hath in the Right of his Crown many Prerogatives above any common Perſon, be he never ſo Potent and Honourable; whereof you may read at large in *Staundford's Tractate* upon the Statute thereof made 17 *E.* 2. Alſo in *Bracton, lib.* 2. *c.* 24. *num.* 1, & 2.

King of Heralds, *Rex Heraldorum*, Is a principal Officer at Arms, that hath the Pre-eminence of the Society. See *Herald* and *Garter.* Among the *Romans* he was called *Pater Patratus.*

King of the Minſtrels, at *Tutbury in Com. Staff.* His Power and Privilege appears by the following Charter.

JOhan per le grace de Dieu, Roy de Caſtile & de Leon, Duke de Lancaſtre, a touts ceux, que ceſtu nos letres verront ou orront, Saluz. Saches nous avoir ordonez conſtitut. & aſſignez noſtre bien ame le Roy de Minſtraulx *deins noſtre Honeur de Tuttebury quare eſt, ou qui pur le temps ſerra pur prendre & arreſter touts le* Minſtraulx *deins meiſme noſtre Honeur & Franchiſe, queux refuſount de fair lour ſervices &* Minſtraley *as eux appurtenants, a faire de ancient temps a Tuttebury ſuis dit annuelment les jours del aſſumption de noſtre Dame. Donants & grantants au dit* Roy des Minſtraulx *pur le temps eſteant plein poyer & mandement de les faire reſonablement juſtifier & conſtrener de faire lour ſervices & Minſtralcyes en maner come appeint, & come illonques ad eſte uſe & de ancient temps accuſtome. En Teſtimonigniance de quel choſe nous avons fait faire ceſtes nos Letres Patent, don ſouz noſtre Privy Seal a noſtre caſtel de Tuttebury le* xxii. *jour de* Auguſt *le an de Regne noſtre treſdulces le Roy* Richard II. *quart.* Confirmed by *H.* 6. 22 *Feb.* 21. Year of his Reign.

King's Bench, *Bancus Regius*, Is the Court or Judgment-Seat, where the *King of England* was ſometimes wont to ſit in his own Perſon; and therefore it was moveable with the Court or *King's* Houſhold, and called *Curia Domini Regis*, and *Aula Regia*, as *Gwin* reports in the *Preface to his Reading*; and that therein, and in the Court of Exchequer, which were the only Courts of the *King* till *Henry* the Third's Days, were handled all Matters of Juſtice, as well Civil as Criminal. This Court of the *King's Bench* was wont in ancient Times to be eſpecially exerciſed in all Criminal Matters, and Pleas of the Crown, leaving the Handling of private Contracts and Civil Actions to the Common Pleas, and other Courts. *Glanvile, lib.* 1. *cap.* 2, 3, 4. and *lib.* 10. *cap.* 18. *Smith de Rep. Ang. lib.* 2. *cap.* 11. *Co.* 4. *Inſt. f.* 70. and hath Preſident of it, the Lord Chief Juſtice of *England*, with three or four Juſtices Aſſiſtants; or according to *Forteſcue, cap.* 51. four or five, and Officers thereto belonging, the Clerk of the Crown, a Protonotary, and other inferior Miniſters and Attornies. See *Juſtice of the King's Bench.*

Kingeld, Eſcuage, or Royal Aid. As in a Charter of King *Henry* II. to the Abbot and Monks of *Mirevall. Volo & firmiter præcipio, ut ſint quieti per totam terram meam de theloneo & de ſciris & de hundredis, & de Wapentachiis, & de* Kingeld, *& de Denegeld, & de Murdre.* Mon. Angl. Tom. 1. p. 830.

King's Silver Is properly that Money due to the *King* in the Court of Common Pleas *pro licentia concordandi*, in reſpect of a Licence then granted to any Man for paſſing a *Fine. Co. vol.* 6. *f.* 39, & 43.

King's Swanherd, (*Magister deductus Cignorum.*) Pat. 16 R. 2. pars 1. m. 38. *Radulphum Scot*, Custodem Cignorum nostrorum, *sive per alium quemcunque qui pro tempore Custos cignorum nostrorum prædictorum fuerit.* No Fowl can be a Stray but a *Swan.* 4 *Inst. f.* 280.

Kintal Is a certain Weight of Merchandise, most commonly of One hundred Pounds, or something under or over, according to the several Uses of divers Nations. *Plowden, fol.* 3. mentions 2000 *Kintals* of Woad in the Case of *Reniger* and *Fogassa. Item duodecim denarios de quolibet ceræ Quintallo.* Chart. 31 Ed. 1. m. 4.

Kipe, A Basket made of Osiers, broader at the Bottom, and narrowed by Degrees to the Top, but left open to both Ends, which they use for taking Fish; as particularly upon *Otmore* in *Oxfordshire*, where they call this way of treading the Water, and clapping down the Basket, and then groping for the Fish enclosed, *Kipping* and going to *Kipe.* From the Sax. *Cypa*, a Basket. It is strange to observe, That this very manner of Fishing with Baskets of the same Kind and Shape, is practised by the barbarous Inhabitants of *Ceylon* in the *East-Indies*, as appears in the Relation and Figure of it given by Mr. *Knox* in his Travels, *p.* 28.

Kipper-time, That no Salmon be taken between *Gravesend* and *Henly upon Thames* in *Kipper-time*, *viz.* between the *Invention of the Cross* (3 *May*) and the *Epiphany.* Rot. Parl. 50 Edw. 3.

Kirbyes Quest Is an ancient Record remaining with the Remembrancer of the Exchequer, the Meaning and Etymology whereof will appear by what follows. *Memorandum, quod Anno Domini* 1277. *Anno Regni Regis* Edwardi *filii Regis* Henrici *quinto, misit idem Rex per totam Angliam Ballivos inquirere, sub juramento & in secreto de universis terris Angliæ per* Johannem *de* Kirby *Thesaurarium suum, quisquis teneret & cujus feodi, & quantum & cujus Regis tempore feoffati essent.* Ex Regist. Glaston. Cænobii penes Rad. Sheldon Ar. fol. 71.

Kirkmote, A Synod: Sometimes 'tis taken for a Meeting in the Church or Vestry.

Kit-floor, A certain Bed in a Coal-Mine. As at *Wednesbury* in *Staffordshire*; the fourth Parting or Laming in the Body of the Coal, is called the *Kit-floor* one Foot thick.

Knappa——*Dedi unam virgatam de* Knappa *quam Adreas tenuit, & totam terram de Fernhurst.* —— In another Charter, the same Donation is thus said——*Dedi unam virgatam terræ de* Chueppa, *quam* Andreus *tenet.* Cartular Abbat. Rading. *MS. p.* 94.

Knave, An old *Saxon* Word for a Man-Servant, and so is used in 14 *E.* 3. *Stat.* 1. *cap.* 3. And *Verstegan* in his *Restitution of decayed Intelligence*, *cap.* 10 believes it is borrowed of the Dutch *Cnapa*, which signifies the same Thing. And that is some Kind of Officer or Servant, as *Scild-knapa* was he that bore the Weapon or Shield of his Superior, whom the *Latins* call *Armigerum*; and the French *Escuyer. Matt.* 8. 6. *Puer meus jacet in domo paralyticus*, was in the *Saxon* Translation turned *Myn Knawa.* It was sometimes of old used as a titular Addition. *Johannes filius Willielmi Couper de Denby* Knave, *ad satisfaciendum Regi de omni eo quod ad Regem pertinet, occasione cujusdam Utlagariæ in ipsum in placito transgressionis ad sectam Regis promulgatæ.* Original. de Anno 22 H. 7. 36. Derby. There is a common Error, that *Rom.* 1. 1. is translated, *Paul a Knave* of Jesus Christ: It was occasioned by a Bible in the Duke of *Lauderdale's* Library, where the Word *Kneawe* was writ in lesser Characters than the other, and a Razure might easily be discerned; but in the Earl of *Oxford's* Library, *Rev.* 1. 1. 'tis said, to him *Cnight John. Fortesc.* 42. See *Strumpet.* The Word is now perverted to the hardest Meaning, a false and deceitful Fellow. But it had a Sense of Simplicity and Innocence; it first signified a Child or Boy, Sax. *Cnapa*, whence a *Knave Child*, i. e. a Boy distinguished from a Girl in several old Writers. —— *A Knave Child between them two they gate.* —— *Gower*, Poem, *f.* 52. 106. And *Wickliff* in his old *Engl.* Translation, *Exod.* 1. 16. *If it be a Knave Child, i. e.* A Son or Male Child. Afterwards it was commonly taken for a Servant Boy, and by Degrees for any serving Man: As in the Vision of *Piers Plowman*, Cokes and her *Knaves* cryden hote Pyes hote, *i. e.* Cooks and their Boys, or Skullions.

Knight, (Sax. *Cnyt. Lat. Miles*, and *Eques auratus*, from the gilt Spurs he usually wore, and thence called anciently *Knights of the Spur*: The *Italians* term them *Cavalieri*, the French *Chevaliers*, the Germans *Ruyters*, the Spaniards *Cavallaro's*, &c.) *Knight* in its Original properly signified a Servant; but there is now but one Instance where 'tis taken in that Sense, and that is *Knight* of a Shire, who properly serves in Parliament for such a County; but in all other Instances it signifies one that bears Arms, who, for his Virtue and martial Prowess, is by the King, or one having his Authority, exalted above the Rank of Gentleman to a higher Account or Step of Dignity. The Manner of making them, *Cambd.* in his *Britan.* thus shortly expresseth: *Nostris vero temporibus, qui Equestrem dignitatem suscipit, flexis genibus leviter in humero percutitur, Princeps his verbis Gallice affatur*; Sus vel sois Chevalier au nom de Dieu, *i. e. Surge aut sis Eques in nomine Dei.* This is meant of *Knight Bachelors*, which is the Lowest, but most ancient Degrees of *Knighthood* with us. By the Stat. 1 *Ed.* 2. *cap.* 1. all Gentlemen having a full *Knight's Fee*, and holding their Land by *Knight's Service*, might be compelled to be made *Knights*: But that is repealed by 17 *Car.* 1. *ca.* 20. The Privilege belonging to a *Knight*, see in *Fern's Glory of Generosity*, *pag.* 116. Of *Knights*, there are two Sorts; one *Spiritual*, so called by Divines in regard of their Spiritual Welfare; the other *Temporal. Cassanæus de gloria mundi, Par.* 9. *Consider.* 2. See *Selden's Titles of Honour*, *fol.* 770. Chief Justice *Popham* affirmed, he had seen a Commission granted to a Bishop, to *Knight* all the Persons in his Diocese. *Godbolt's Rep. fol.* 398. Of the several Orders, both of *Spiritual* and *Temporal Knights*, see Mr. *Ashmole's Inst of the* Knights *of the Garter.* He who served the King in any Civil or Military Office or Dignity, was formerly called *Miles*: 'Tis often mentioned in the old Charters of the *Anglo-Saxons*, which are subscribed by several of the Nobility, *viz.* after Bishops, Dukes and Earls, *per A. B. militem*, where *Miles* signifies some Officer of the Court, as *Minister* was an Officer to Men of Quality. Thus we read in *Ingulphus*, *De dono F. quondam militis Kenulfi Regis*, *fol.* 860.

Afterwards the Word was restrained to him who served only upon some military Expedition, or rather to him who by reason of his Tenure was

was bound to ſerve in the Wars, and in this Senſe the Word *Miles* was taken *pro vaſſallo*. Thus in the Laws of *William the Conqueror*. *Manibus ei ſeſe dedit, cuncta ſua ab eo ut miles a Domino recepit.*

And he who by his Office or Tenure was bound to perform any military Service, was furniſhed by the Chief Lord with Arms, and ſo *adoptabatur in militem*, which the *French* call *adouber*, and we to *dub* ſuch a Perſon a *Knight*.

But before they went into the Service, it was uſual to go into a Bath and waſh themſelves, and afterwards they were girt with a Girdle; which Cuſtom of Bathing was conſtantly obſerved, eſpecially at the Inauguration of our Kings, and then thoſe *Knights* were made, who for that Reaſon were called *Knights of the Bath*.

Knights-Court Is a *Court*-Baron, or Honour-*Court*, held twice a Year under the Biſhop of *Hereford*, at his Palace there; wherein thoſe who are Lords of Manors, and their Tenants, holding by *Knight's Service* of the Honour of that Biſhoprick, are Suitors; which Court is mentioned in *Butterfeild's Surv. fol.* 244. If the Suitor appear not at it, he pays 2 *s. Suit-Silver* for Reſpite of Homage.

Knights-Gyld Was a *Gyld* in *London*, conſiſting of Nineteen *Knights*, which King *Edgar* founded, giving them a Portion of void Ground lying without the Walls of the City, now called *Potſoken Ward*. *Stow's Annals, pag.* 151. This in *Mon. Ang.* 2. *pag. fol.* 82. *a.* is written *Cnittenegeld.*

Knights Baneret. See *Baneret. John Coupeland* (for his valiant Service againſt the *Scots*) had the Honour of *Baneret* conferred on him and his Heirs for ever by Patent. 29 *Edw.* 3. *part.* 1. *m.* 2.

Knights of the Bath: See the Antiquity and Ceremony of their Creation in *Dugdale's* Antiquities of *Warwickſhire, fol.* 531, 532. They are ſo called from their *Bathing* the Night before their Creation; their Place is before *Knights Bachelors*, and after *Baronets*. This Order was re-eſtabliſhed by his preſent Majeſty King *George* in the Year 1725; who erected the ſame into a Regular military Order for ever, by the Name and Title of *The Order of the Bath*, to conſiſt of thirty-ſeven *Knight* beſides the Sovereign.

Knights of the Chamber, (*Milites Cameræ,*) Mentioned in 2 *Inſt. fol.* 666. and in *Rot. Pat.* 29 *Ed.* 3. *par.* 1. *m.* 29. ſeem to be ſuch *Knights Bachelors* as are made in Time of Peace, becauſe *knighted* commonly in the King's *Chamber*, not in the *Field*, as in Time of War.

Knights-Fee (*Feodum Militare*) Is ſo much Inheritance, as is ſufficient yearly to maintain a *Knight* with convenient Revenue; which in *Henry* the Third's Days was 15 *l. Cam. Britan. pag.* 111. But Sir *Thomas Smith*, in his *Repub. Angl. lib.* 1. *cap.* 18. rates it at 40 *l.* And by the Statute for *Knights*, 1 *Ed.* 2. *cap.* 1. ſuch as had 20 *l. per Ann.* in Fee, or for Life, might be compelled to be *Knights*; which Statute is repealed by 17 *Car.* 1. *cap.* 20. *Stow*, in his *Annals*, *p.* 285. ſays, There were found in *England*, at the Time of the *Conqueror*, 60211 *Knight-Fees*, according to others, 60215; whereof the religious Houſes, before their Suppreſſion, were poſſeſſed of 28015 *Oct. Carucatæ terræ faciunt* feodum unius militis. *Mon. Angl.* 2. *pag. fol.* 825. *a.* Of this, you may read more in *Selden's Titles of Honour, fol.* 691. and *Bracton, lib.* 5. *Tract.* 1. *cap.* 2. See *Coke on Littl. fol.* 69, *a.* a *Knight's Fee* contained Twelve Plowlands, 2 *Part. Inſt. fol.* 596. or 680 Acres. *Virgata terræ continet* 24 *Acras*, 4 *virgatæ terræ* make an Hide, and five Hides make a *Knight's Fee*, whoſe Relief is five Pounds.

Knights of the Garter, *Equites Garterii*, or *Periſcelidis*, Are an Order of *Knights* firſt created by King *Edw.* the Third, after he had obtained many notable Victories, who, for furniſhing of this Honourable Order, made a Choice out of his Realm, and all Chriſtendom, of the beſt and moſt excellently renowned *Knights* in Virtue and Honour, beſtowing this Dignity upon them, and giving them a blue *Garter*, decked with Gold, Pearl, and precious Stones, and a Buckle of Gold, to wear daily on the left Leg only, a Kirtle, Crown, Cloak, Chaperon, a Collar, and other ſtately and magnificent Apparel, both of Stuff and Faſhion; exquiſite and heroical to wear at high Feaſts, as to ſo high and princely an Order was meet. Of which he and his Succeſſors, Kings of *England*, were ordained Sovereigns, and the reſt Fellows and Brethren, to the Number of Twenty-ſix. *Smith de Rep. Anglor. lib.* 1. *ca.* 20. This Honourable Society is a College or Corporation, having a common Seal belonging to it, and conſiſting of a Sovereign Guardian, which is the King of *England*, that always governs this Order by himſelf, or his Deputy; of Twenty-five Companions called *Knights of the Garter*, of Fourteen ſecular Canons that be Prieſts, or muſt be within one Year after their Admiſſion; Thirteen Vicars, alſo Prieſts, and Twenty-ſix poor *Knights*, that have no other Suſtenance, or Means of Living, but the Allowance of this Houſe, which is given them in reſpect to their daily Prayer to the Honour of God and St. *George*. There be alſo certain Officers belonging to this Order, *viz.* The Prelate of the *Garter*, which Office is inherent to the Biſhop of *Wincheſter* for the Time being; the Chancellor of the *Garter*; the Regiſter, who is always Dean of *Windſor*; the Principal King at Arms, called *Garter*, whoſe chief Buſineſs is to manage and marſhal their Solemnities at their yearly Feaſts and Inſtallations. Laſtly, The Uſher of the *Garter*, who is alſo the Uſher of the *Black-Rod*. The Site of this College is the Caſtle of *Windſor*, with the Chapel of St. *George*, erected by *Edward* the Third, and the Chapter-Houſe in the ſaid Caſtle, and their Solemnity upon St. *George's* Day. *Cambden* ſaith, This Order received great Ornament from *Edward* the Fourth. *Ferne's Glory of Generoſity, pag.* 120. And that moſt pious Prince *Charles* the Firſt, as an Addition to their Splendor, ordered all the Companions of the Order to wear on the left Side of their upper Garment, the Croſs of *England* encircled with the *Garter* and Motto, from whence round about are caſt Beams of Silver like the Rays of the Sun in full Luſtre. See *Garter*. I hear of a large Tract concerning this Order, written by *Elias Aſhmole* Eſq; which ſee for further Satisfaction.

Knights of the Order of St. John of Jeruſalem. *Milites Sancti Johannis Hieroſolymitani*, were an Order of *Knighthood*, that began about the Year of Our Lord 1120. *Honorius* being Pope. They had their Denomination from *John* the charitable Patriarch of *Alexandria*, though vowed to St. *John the Baptiſt* their Patron; *Fern's Glory of Generoſity, pag.* 127. They had their Primary

Abode at firſt in *Jeruſalem*, and then in the *Iſle of Rhodes*, until they were expelled thence by the *Turks*, *Anno* 1523. Since which Time their chief Seat is in the *Iſle of Malta*, where they have done great Exploits againſt the *Infidels*, but ſpecially in the Year 1595. They live after the Order of Friers, under the Rule of St. *Auguſtine*. Of whom Mention is made in the Statute 25 *H.* 8. *cap.* 2. and 26 *H.* 8. *cap.* 2. They had in *England* one general Prior that had the Government of the whole Order within *England* and *Scotland*, *Reg. Orig. fol.* 20. and was the firſt Prior of *England*, and ſate in the Lord's Houſe of Parliament. But towards the End of *Henry* the Eighth's Days, they in *England* and *Ireland* being found over-much to adhere to the Pope againſt the King, were ſuppreſſed, and their Lands and Goods given to the King, by 32 *H.* 8. 24. The Occaſion and Propagation of this Order more eſpecially deſcribed, you may read in the Treatiſe, entitled, *The Book of Honour and Arms*, lib. 5. cap. 18. written by Mr. *Richard Jones*.

Knights of Malta. See *Knights of the Order of St.* John *of* Jeruſalem.

Knight Marſhal (*Mareſchallus Hoſpitii Regis*) Is an Officer of the King's Houſe, having Juriſdiction and Cognizance of any Tranſgreſſion within the King's Houſe, and Verge of it; as alſo of Contracts made within the ſame Houſe, whereto one of the Houſe is a Party. *Reg. of Writs*, *f.* 185. *a.* and 191. *b.* and *Spelman's Gloſſ.* in voce *Mareſcallus*.

Knights of Rhodes. 33 *H.* 8. 2. 24. See *Knights of the Order of St.* John *of* Jeruſalem.

Knights of the Temple, *Templarii*, Otherwiſe called *Templars*, was an Order of *Knighthood* inſtituted by Pope *Gelaſius*, about the Year of our Lord 1117. and ſo called, becauſe they dwelt in a Part of the Building belonging to the *Temple* at *Jeruſalem*, not far from the Sepulchre of our Lord. They entertained Chriſtian Strangers and Pilgrims charitably, and in their Armour led them through the Holy Land, to view the ſacred Monuments of Chriſtianity, without fear of Infidels. This Order increaſing and continuing by the Space of 200 Years, was far ſpread in Chriſtendom, and namely here in *England*; but in Proceſs of Time, ſome of them at *Jeruſalem* being (as ſome Report) found to fall away to the *Saracens* from Chriſtianity, or rather, becauſe they grew too potent, the whole Order was ſuppreſſed by *Clemens Quintus*, 1309. and by the Council of *Vienna*, 1312. and their Subſtance given partly to the *Knights of St.* John *of* Jeruſalem, and partly to other Religious. *Caſſan. de gloria Mundi*, *part* 9. *conſid.* 5. and *Anno* 1. *cap.* 24. Theſe flouriſhed here in *England* from *Henry* the Second's Days, till they were ſuppreſſed. They had in every Nation a very particular Governour, whom *Bracton*, *lib.* 1. *cap.* 10. calls *Magiſtrum militiæ Templi*. The Maſter of the *Temple* here was ſummoned to Parliament, 49 *H.* 3. *m.* 11. *in Schedula*; and the Chief Miniſter of the *Temple* Church in *London* is ſtill called *Maſter of the Temple*. Of theſe *Knights*, read *Dugdale's Antiquities of Warwickſhire*, 706. In ancient Records, they were alſo called *Patres Militiæ Templi Solomonis*. Mon. Ang. 2 part. fol. 554.

Knight-Service (*Servitium Militare*) Was a Tenure, whereby ſeveral Lands in this Nation were held of the King, which drew after it Homage and Service in War, Eſcuage, Ward, Marriage, &c. but is taken away by Statute 12 *Car.* 2. *cap.* 24. In *Domeſday-Book*, ſome Land holden by *Knights-Service* is called *Tainland*, and Land holden by Socage, *Reveland*, fol. 86. a. *Servitium militare nulli niſi Regi & Regni principibus debetur.* Mat. Paris. Anno 1246.

Knights of the Shire, (*Milites Comitatus*) Otherwiſe called *Knights of Parliament*, are two Knights or Gentlemen of Worth, choſen upon the King's Writ, *in pleno Comitatu*, by the Freeholders of every County that can diſpend 40 *s. per Annum*, *Anno* 1 *Hen.* 5. *cap.* 1. and 10 *H.* 6. *cap.* 2. who are in Parliament to conſult in Behalf of the Commons of *England*, touching the publick Affairs of the Realm. Theſe, when every Man having a Knight's Fee, was cuſtomarily conſtrained to be a Knight, were of Neceſſity to be *Milites gladio cincti*, for ſo runs the Writ at this Day. But now Cuſtom admits *Eſquires* to be choſen to this Office. *Quod* Milites Comitat. pro Parliamento *extunc eligend. ſint Milites notabiles de eiſdem Com. pro quibus ſic eligentur, ſeu aliter* Notabiles Armigeri, *homines generoſi de Nativitate de eiſdem Com. qui ſint habiles exiſtere* Milites, *& quod nullus homo ſit talis* Miles, *qui in gradu* valetti *& inferiori exiſtit, prout in Statuto continetur, viz.* 23 H. 6. In breve de Sum. ad Parl. Clauſ. 39 Hen. 6. in dorſo. m. 41. For the Choice of theſe *Knights*, ſee the Statutes 7 *Hen.* 4. *cap.* 15. 23 *Hen.* 6. *cap.* 15. with others. Their Expences are to be born by the Country, 35 *H.* 8. *cap.* 11. tho' now ſeldom or never required. They muſt have 500 *l. per Annum*.

Knopa, A Knob, Nob, Boſſe, or Knot.——*Textus ſuper Evangeliis cum uno claſpi habens ex uno latere quinq*; Knopas *argenteas*, &c. Mon. Angl. Tom. 3. p. 365.

Known-men, The Lollards, or good Chriſtians in *England*, called Hereticks, for oppoſing the Corruptions and Errors of the Church of *Rome* before our happy Reformation, went commonly under the Name of *Known-men*, and *Juſt Faſtmen*; which Title was firſt given them in the Dioceſe of *Lincoln*, under *William Smith* Biſhop, 1500. See *Fox* Martyrol. *Vol.* 2. *pag.* 32. &c.

Kyddiers, 13 *Eliz. cap.* 35. See *Kidder*.

Kylyw.——*Et ſint quieti de paſtu & Kylyw & omnibus aliis exactionibus quas Foreſtarii & alii ballivi ſolent exigere.* Mon. Angl. 1 par. fol. 722. Perhaps it may ſignify ſome liquid Thing, exacted by Foreſters. See *Scotale*. We have to this Day in the North the Word *Kele*, which the Country People uſe for liquid Victuals.

Kyſte, A Coffin or Cheſt for Burial of the Dead, Sir *Tho. Cumberworth* Kt. made this fanciful Will in the Year 1450.—— Furſt, *I Gyffe My Sawle to God my Lord and my Redemptor, and my wrechid Body to be Beryed in a Chitte without any* Kyſte *in the North yle of the Pariſh-Kirke of* Somereiby.—— *But I will my* Kyſte *be made and ſtand by, and at my Bereall Giff it to hym that fills my Grave.* Ex Reg. Marmaduci Lumley Epiſc. Lincoln. MS.

L.

Label, The narrow Slip of Paper or Parchment affixed to a Deed or Writing, for an appending Seal, is called a *Label*. So any Paper annexed by Way of Addition or Explication to a Will or Teſtament, is called a Codicil or *Label*.

Labina, Watery Land; *in qua facile* labitur: We read it in the *Monaſticum*, 2 *Tom. pag.* 372. *Famque diverſi Ligei juxta Hoſpitale noctanter tranſeuntes in aquis &* Labinis *periclitantur.*

Laborarius Is a Writ that lies againſt ſuch as having not whereof to live, do refuſe to ſerve, or for him that refuſeth to ſerve in Summer where he ſerved in Winter. *Reg. Orig. fol.* 189.

Lacerta Is a Word mentioned in *Domeſday-Book*, and there ſignifies a Fathom.

Laches Cometh of the French *Laſcher*, id eſt, *Laxare*; or *Laſche*, *ignavus*, and ſignifies Slackneſs or Negligence, as appears in *Littleton*, *ſect.* 403 & 726. where *Laches* of Entry is nothing elſe but a Neglect in the Heir to enter; whereupon, I take Liberty to gueſs, that it may be an old *Engliſh* Word, as when we ſay, There is *Laches* of Entry, it is all one as if we ſhould ſay, There *Lack* is of Entry, or there is *Lack* of Entry; and indeed it hath no other Signification for ſo is it uſed, *Lit. fol.* 136. and *Old Nat. Brev. fol.* 110. So where a Man ought to make or do a Thing, and he makes or does it not, I of his *Laches* cannot have an Aſſiſe, but muſt take an Action upon the Caſe. See *Coke on Litt. fol.* 246 & 380.

Lacta, A Defect in the Weight of Money: *Aſſiſum eſt de moneta quod vetus moneta currat, unde quælibet libra ſit* Lacta 2 s. 6 d. *ad plus, & illa libra quæ plus* lactavit, *& Denarii qui plus* lactaverint, *perforentur & reddantur, &c.* From hence we derive the Word *Lack*. *Du Freſne.*

Lactodorum. *Stony Stratford.*

Lada, A Lade, Lath or Court of Juſtice, from Sax. *Lathian*, to Convene or Aſſemble. Hence the annual Court at *Dim-Church* in *Romney-Marſh* held about *Michaelmas*, for the Election of a Bailiff and other Officers, is called the *Lath*, and *Dim-church-lath*. See *Leits.*

Lada, A Purgation by Trial, from Sax. *Ladian*, to purge by Submiſſion to any legal Method of Acquitment. Hence the *Lada ſimplex*, and the *Lada triplex*, or *Lada plena*, among our *Saxon* Anceſtors, mentioned in the Laws of King *Ethelred*, and of *Hen.* 1. See *Spelman's Gloſſary.*

Lada, A Lade, Load, or Courſe of Water. ——*Ex parte ſcilicet orientali navigii vel* Ladæ *uſq; ad locum qui dicitur Gangeſtede.* Hiſtor. Rames. *Edit.* Gale, *cap.* 113. Where *Navigium* is properly *Navigeriunt*, and has the like Senſe of a navigable River. And *Spelman* tells us, that *Lada* is a Canal to carry Water from wet Grounds, but it ſometimes ſignifies a broad Way, *viz. Unde placitum fuit inter eos, &c. viz. quod omnes* Ladæ *quas monachi fecerint in illo mariſco obſtupantur, excepta illa magna* Lada *quæ vadit ad Wittleſmare, &c. per quam monachi adducunt Lapides ad conſtructionem Monaſterii.* Monaſt. 1 Tom. pag. 854.

Lade, Lode, *i. e.* the Mouth of a River; from the Sax. *Ladian*, *purgare*, becauſe the Water is there clearer; from hence *Cricklade*, *Lechlade*, *&c.*

Lædorium, *i. e.* Reproach. *Facetiam in ſermone plurimam obſervant dum vel ſales vel* Lædoria *nunc levi lingua nunc mordaci. Girald. in deſcrip.* Cambd. cap. 14.

Laforſwick Is derived from the Saxon *Hlaford Dominus*, & ſwic *proditio*, *Infidelitas erga Dominum*, a Betraying our Lord and Maſter. In the Laws of *Henry* the Firſt, *cap.* 13. *Quædam Placita emendari*, (i. *Quædam crimina expiari*) *non poſſunt*, Husbreech, Bernet, Openthefe, Ebermath, and *Laforſwick*, which Word is alſo found in *Canutus's* Laws, *cap.* 61. which ſome Authors have written corruptly *Labordſith.*

Laga, *Lex*, The Law, *Lagam Regis* Edwardi *vobis reddo, cum illis emendationibus, quibus Pater meus eam emendavit*, ſays *Magna Charta.* Hence we deduce *Saxon-lage*, *Mercen-lage*, *Dane-lage*, *&c.*

Lagan, At firſt, was that Right which the Chief Lord of the Fee had to take Goods which were caſt on the Shore by the Violence of the Sea; but afterwards it ſignified a Right which any one had to Goods which were Ship-wrecked, and floating in the Sea. Thus *Bracton*, *viz. Quæ ſi in mare longius a littore inveniantur, ita ut conſtare non poſſit ad quam terram eſſent applicandæ, tunc quicquid ita inventum fuerit, erit inventoris, adeo quod in nullius bonis eſſe dicantur, & dicitur a nantibus* Lagan. Lib. 3. cap. 2. But now *Lagan* is taken for Goods ſunk in the Sea, from the Sax. *Liggan*, *cubare*, *& non a ligando.* See *Flotſom.*

Lagedayum, *Laghday*, A Law-day, or Time of open Court.——— *Una cum omnibus ſectis* Lagedayorum, *quæ Prior de Ledes, & omnes alii eorum tenentes debuerunt ad* Laghday *a mera de Nementon per tenementa quæ de ipſis tenent in Hundredis prædictis. Charta Almerici de Lucy apud* W. Thorn ſub anno 1280.——— *Sint quieti de ſecta illius Hundredi——— excepto quod villani ſui ter in anno venient ad* la Laghday *ad præſentandum placita coronæ ſine occaſione.* Mon. Angl. Tom. 1. p. 279.

Lageman, or Lahman, (*Lagamannus*) *Homo legalis ſeu legitimus*; Such as we call now *Good Men of the Jury.* I find the Word in *Domeſday*, and in the Laws of *Edward the Confeſſor*, *cap.* 38. thus, *Poſtea inquiſiſſet Juſtitia per* Lagamannos, *& per meliores homines de Burgo, &c.* But *in Libro Albo de Suthwel, Ulvet* the Son of *Forno* is ſaid to have been *Lagaman* of the City of *York.* Where doubtleſs it ſignified ſome Chief Officer, as Judge or Recorder. My Lord *Coke* in his *Comment* on *Littleton*, *Sect.* 73. was of Opinion, that a *Lageman* was he who had *ſocam & ſacum ſuper homines ſuos*, *i. e.* who had a Juriſdiction over their Perſons and Eſtates, and thoſe were the *Thaines* or *Barons* of that Age; ſo that this *Ulvet* the Son of *Forno* might be one of the *Barons* who lived in *York.*

Somner and *Lambard* were of the ſame Opinion, that the Word ſignified the *Thaines*, called afterwards *Barons*, who ſate as Judges to determine Mens Rights in Courts of Juſtice; as, *in Senatus conſult. de Monticolis Walliæ*, *cap.* 3. 'tis ſaid, let 12 *Lahmen*, which *Lambard* renders Men of Law, *viz.* ſix *Engliſh* and ſix *Welſh*, do Right and Juſtice, *&c.*

Lagen, (*Lagena*) *Fleta*, *lib.* 2. *cap.* 8, 9. In ancient Time it was a Meaſure of ſix *Sextarii.* Hence perhaps our *Flagon. Donatio inſuper de ſex* Lagenis *olei annuatim.* Charta 2 Edw. 3. m. 25. n. 82. The Lieutenant of the *Tower* has the Privilege to take *unam* Lagenam *vini, ante malum & retro*, of all Wine-Ships that come up the *Thames.* Sir *Peter Leyceſter*, in his Antiquities of *Cheſhire* interprets *Lagena Vini*, a Bottle of Wine. See *Minſtrel.*

Lagon, or Lagan, Is ſuch a Parcel of Goods as the Mariners in Danger of Ship-wreck caſt out of the Ship, and becauſe they know they are heavy and ſink, they faſten to them a Buoy or Cork, that ſo they may find and have them again. If the Ship be drowned, or otherwiſe periſh,

periſh, theſe Goods are called *Lagan* or *Ligan*, *a ligando*, and ſo long as they continue upon the Sea, they belong to the Admiral, but if they are caſt upon the Land, they are then called a *Wreck*, and belong to him that hath the *Wreck*, as appears in *Co. lib.* 5. *fol.* 106.

Lanſlite, Lagſlite, Laghſlite, *Tranſgreſſio Legis*, A Breach of the Law, and ſometimes the Puniſhment for breaking the Law. *Si quis Dei rectitudines per vim teneat, ſolvat* Lahſlite *cum Dacis, plenam* Wyram *cum Anglis.* Leg. Hen. 1. cap. 13. Lamb. Explic. *of* Saxon *Words*, verbo *Mulcta.*

Lana, The ſame with *Lada. Mon. Angl.* 1 *Tom. pag.* 483. A broad Way in a Wood.

Latrunte, Lecherwite and **Legergeldum**, *Pœna vel mulcta offendentium in Adulterio & Fornicatione*, which Privilege did anciently belong to ſome Lords of Manors, in Reference to their Villains and Tenants, which *Fleta, lib.* 1. *cap.* 47. ſeems to infer. See *Co.* 4. *Inſt. fol.* 206.

Laſed Liſs, *Anno* 1 *R.* 3. *cap.* 8.

Lambote,—— *Manerium de Berton parva reddit aulæ* Thomæ *de* Redgrave *annuatim ad paſcha*, 1111. *denar. & aulæ de* Cnapwel *de Tudenham annuatim*, 11. *Denar. eo quod le pyſe molendini Domini debent jungere paſturæ de Tudenham, & habere in illa paſtura* Lambote.—— *Ex Cartular. S. Edmundi, MS. f.* 111.

Lammaſſe-day, (*Anno* 23 H. 8. *cap.* 4.) Is the Firſt of *Auguſt*, and ſo called *quaſi Lamb-Maſs*, becauſe *Lambs* were not then fit to eat, they were grown too big; *aliter*, from the Saxon *Hlafmæſſe*, q. d. *Loaf-Maſs*, becauſe on that Day the *Engliſh* made an Offering of Bread made with new Wheat. On which Day, the Tenants that held Lands of the Cathedral Church of *York*, (which is dedicated to St. *Peter ad Vincula*) were bound by their Tenure to bring a live *Lamb* into the Church at High Maſs on that Day. See *Gule of Auguſt.*

Lammeſilver. *Inter antiquas conſuetudines Abbatiæ de Sancto* Edmundo.—— *Capiunt etiam quidam, ex prædictis Servientibus* Gloveſilver, *in feſto S. Petri ad vincula, & habent eodem die*, 1. *den. ad* Lammeſilver, *& qui unque capit unum denar. ad* Gloveſilver *habebit eodem die* 1. *ob. ad* Lammeſilver. Ex Cartular. S. Edmundi, MS. p. 323.

Lana placabilis, Fine Wool. *Noveritis nos teneri in centum ſaccis bonæ* lanæ *&* placabilis *ſine cot. & gard. pro certa ſumma pecuniæ.* Cartular. Radings. MS. f. 208.

Lancetagium.—— *Willielmus de Blanchivil tenet novem acras in* Polingeſland, *quæ fuerunt eſchatra unde quatuor acræ fuerunt liberæ & quinq; acræ* Lancetagii—— Johannes *Filius* Richardi *tenet* XX. *acras per cartam quæ fuerunt* Lancetagii *de dono* Gilberti *de* Alvendon. *Cartular. S. Edmundi. MS. f.* 401.

Lanceti *Volo etiam quod habeant omnia amerciamenta hominum ſuorum, tam liberorum quam* Lancetorum *in Leta mea.* Carta. Will. *de* Albineo, *Cænobio Wimunham.* Theſe *Lanceti* were *Agricolæ quidam ſed ignotæ ſpeciei.* Spelm.

Land, *Terra*, In a general and legal Signification, includeth not only all Kinds of Grounds, as Meadow, Paſture, Arable, Wood, &c. but Houſes and all Edifices whatſoever; but in a more reſtrained Senſe it is taken only for Arable Ground. *Co. on Litt. lib.* 1. *cap.* 2. *ſect.* 14. ſays, *Terra eſt nomen Generaliſſimum & comprehendit omnes ſpecies terræ*, but properly *terra dicitur a terendo, quia vomere teritur*; and anciently it was written with a ſingle *r*, and in that Senſe includes whatever may be plowed. The Earth hath in Law a great Extent upwards, for *Cujus eſt ſolum ejus eſt uſque ad cœlum.* Co. 9 Rep. *Alured's* Caſe.

Landa, A Lawnd, or open Field, without Wood. *Robertus Comes Legeceſtriæ Radulpho Pincernæ & omnibus Baronibus & fidelibus ſuis ſalutem. Sciatis me dediſſe ſervo Dei Malgero Monacho Eleemoſynam parvam* Landam, *ad Manſiones & oratorium ibidem faciend. Teſtibus, &c.* Sine dat.

Land-boc, A Charter, or Deed, whereby Lands or Tenements are given, or held. *Sic Anglo-Saxones Chartas & inſtrumenta nuncupavant, prædiorum Seſſiones, jura & firmitates continentia*, ſays the Learned *Spelman*; And we read in *Concil. Synodal. apud Cloveſho*, Anno Dom. 822. *ut præfata Abbatiſſa prænominatam terram & cum libris quos Angli dicunt* Land boc,—— *in perpetuam hæreditatem traderet.*

Land-cheap, An ancient cuſtomary Fine, paid either in Cattle or Money at every Alienation of *Land* lying in ſome peculiar Manor, or the Liberty of ſome Borough. As at *Malden* in *Eſſex*, there is yet a Cuſtom, that for certain Houſes and Lands ſold within that Borough, Thirteen Pence in every Mark of the Purchaſe-Money ſhall be paid to the Town; and this Cuſtom of *Land-cheap* they claim *inter alia*, by a Grant made to that Town by the Biſhop of *London*, *Anno* 5 *H.* 4. *Somner* in his *Saxon Dictionary* ſays, *Land-cheap eſt fortaſſe pretium fundi pacto datum vel debitum.* The Word is alſo read in *Spel. de concil. vol.* 1. *fol.* 502.

Landes, A Ditch made near wet Lands, to receive the Water and carry it into the Sea: *Vera judicia & awarda faciat de Vallis*, Landeis *& Watergangiis.*

Landefricus, (*Somner Landefricus*) The Lord of the Soil, or the Landlord: From the Sax. *Land, terra*, and *Rica, Rector. Et omnis emat ſibi Lagam* 12 *Oris dimidium* Landefrico, *dimidium Wapentako.* Leg. Ethelred. cap. 6. See *Landricus.*

Landegandman Was one of the inferior Tenants of a Manor. *Cuſtumariorum genus ſeu inferiorum tenentium Manerii*, ſays the Learned *Spelman*, who adds,—— *Occurrit vox in Cuſtumar. de Hecham.*

Land-gable Is a Tax or Rent iſſuing out of *Land*, according to *Domeſday. Cenſus prædialis vel tributum quod a prædiis colligitur*; that is, ſays *Spelman*, a Penny for every Houſe; the *Welſh* uſe *Pridgavel* for *Langavel.*

This *Langavel* or *Landgable* in the Regiſter of *Domeſday*, was a Quit-Rent for the Site of a Houſe, or the Land whereon he ſtood, the ſame with what we now call Ground-Rent.—— *Tochi Filius Outi habuit in Civitate* XXX *Manſiones præter ſuam Hallam & duas Eccleſias & dimidiam*—— *& ſuper Manſiones habuit locationem, & præter hoc de unaquaq; unum denarium, id eſt*, Landgable. Domeſday, Lincoln.

Landimura *Eſt terræ limes vel terminus.* From the Sax. *Gemæra, i. e. Terminus*, and from hence we ſay *Meers.*

Landimers, *Agri menſores*, Meaſures of *Land* ſo called of old.

Landirecta, Thoſe Services and Duties which in the *Saxon* Times were laid upon all that held *Land*, which were three Obligations called *Trinoda neceſſitas*, Expedition, Burghbote and Brigbote: Which Duties the *Saxons* did not call *ſervitia*, becauſe they were not Feudal Services ari-

ſing from the Condition of the Owners, but *Landirecta*, Rights that charged the very *Land* whoſoever did poſſeſs it, Churchman or Layman. *Vide* Spelman *of Feuds, cap.* 10.

Landaman, *Terricola*, the *Terre-Tenant.*

Landgicus, A Landlord.

Land-tenant Is he that actually poſſeſſes the *Land*, or hath it in his manual Occupation. 14 *E.* 3. *Stat.* 5. *cap.* 3. 23 *E.* 3. *cap.* 1. 26 *E.* 3. *Stat.* 5. *cap.* 2. See *Terre-Tenant*, & 12 *R.* 2. *cap.* 4. 4 *H.* 4. *cap.* 8. it is joined with this Word Poſſeſſor, as *Synonymon. Anno* 1 *H.* 6. *cap.* 5. See *Terre-Tenant.*

Lanrectus, *Quære an* Lantectus. *Homines tam extra burgum quam infra debent eadem libertate frui infra banleucam præter* Lantectos *de* Herdewyke & *pares eorum*——— Cartular. S. Edmundi, MS. fol. 316.

Langabelum. See *Landgabilum.*

Langemanni. *Item in ipſa Civitate erant* 12 Langemanni, *i. e. Habentes* Socam & Sacam. Domeſday, *Tit. Lincolnſcire.* Sir *Edw. Coke* writes them *Lannemanni*, and interprets them Lords of Manors, *habentes Socam & Sacam de tenentibus & hominibus ſuis.* 1 Inſt. fol. 5. a.

Langeolum, An under Garment made of Wool, formerly worn by the Monks, which reached down to their Knees; ſo called, becauſe *Lanea ſit:* We read it in the *Monaſt.* 1 *Tom. pag.* 419. *ad veſtiendum autem ſuſcipiunt, &c. duo* Langeola & *omnia Lanea.*

Langerode,——— *In* Collingham,——— *quælibet duæ bovatæ terræ facient unum quarterium de braſio ordei, vel duo quarteria de braſio avenæ, vel reddent* 111. *denar. in feſto Apoſtolorum Petri & Pauli; item quælibet duæ virgatæ facient.* 1 Langerode, *vel dabunt* 1111. *den. in eodem feſto,*——— Ex Cartulario S. Petri de Burgo, Swafham dicto. MS. fol. 139.

Lanis de creſcentia Malliæ traducendis abſque Cuſtuma, &c. Is a Writ that lieth to the Cuſtomer of a Port, for the permitting one to paſs over Wools without Cuſtom, becauſe he hath paid Cuſtom in *Wales* before. See the *Regiſter, fol.* 279.

Lanterium, The *Lantern, Cupolo*, or Top of a Steeple.——— Walterus Skyrlaw Epiſcopus Dunelmenſis (*obiit* 1405) *magnam partem campanilis, vulgo* Lanterii, *Miniſterii Eboracenſis conſtruxit, in medio cujus operis arma ſua poſuit.* Angl. Sacr. P. 1. pag. 775.

Lano niger.—— One Sort of baſe *Coin. Rex miſit* Johannem *de* Glouceſter *ad monetam retonſam & conterfectam*——— *arreſtandam*——— *idemque* Johannes *ad* Sandwic *accedens,*——— *invenit ibidem monetam quandam videlicet* nigrum Lanonem *in partibus illis communiter currentem*——— & *inhibuit ne moneta illa de cætero curreret.* Memorand. in Saccario. Mich. 22 E. 1. *by Sir* John Maynard.

Lapis Marmorius. *Qui quidem* Henricus *de Cliff* (*Clericus Rotulorum*) *in magna Aula* Weſtmin. *apud* Lapidem Marmorium *in præſentia Domini Cancellarii præſtitit ſacramentum, &c.* Claus. 18 Edw. 2. in 1. Dorſo. This Marble Stone is about 12 Foot long and 3 Foot broad, and remains to this Day at the upper End of *Weſtminſter-Hall*, where there is alſo a Marble Chair placed at the Middle of it, in which our Kings anciently ſate at their Coronation-Dinner, and at other Times the Lord Chancellor; but over this Marble Table and Chair, are now erected the Courts of Chancery, and Kings-bench. See *Orig. Jurid. fol.* 27.

Lapis pacis, The ſame with *Oſculum pacis: Ipſa quoque ſacriſta, &c. recipiat ad feneſtram aquam benedictam* & lapidem pacis, &c. Du Cange.

Lapſe, *Lapſus*, Is the Omiſſion of a Patron to preſent to a Church, within ſix Months after voidable; by which Neglect, Title is given to the Ordinary to collate to the ſaid Church: We ſay that Benefice is in *Lapſe*, or *lapſed*, whereunto he that ought to preſent hath omitted or ſlipped his Opportunity. 13 *Eliz. cap.* 12. This *Lapſe* happens, as well the Patron being ignorant of the Avoidance, as Privy, except only upon the Reſignation of the former Incumbent, or the Deprivation upon any Cauſe comprehended in the Statute of 13 *Eliz.* 12. *Panor. in cap. quia diverſitatem, num.* 7. *de conceſſ. Præbend. &c.* In which Caſes the Biſhops ought to give Notice to the Patron.

Larceny (Fr. *Larrecin*, Lat. *Latrocinium*) Is a Theft of perſonal Goods or Chattels in the Owner's Abſence; and in reſpect of the Thing ſtolen, it is either great or ſmall. *Great Larceny* is when the Things ſtolen, though ſeverally, exceed the Value of xii d. *Petit Larceny* is when the Goods ſtolen exceed not that Value. Of this, ſee more in *Staundf. Pl. Cr. lib.* 1. *cap.* 15, 16, 17. *Inter minuta autem furta* (ſays *Spelman*) *quæ Forenſes vocant* Petty Larcenies, *olim habebantur equi & bovis ſubtractio, ut perſpicuum eſt ex Aſſiſis* Hen. 2. *Clarendoniæ editis, ubi ſic legitur. Hæc Aſſiſa attenebit*——— *in murdro & proditione & iniqua combuſtione & in omnibus prædictis, niſi in minutis furtis & roberiis, quæ facta fuerunt tempore guerræ, ſicut de equis & bobus & minoribus rebus.*

Lardarium, The *Larder*, or Place where the Lard and Meat were kept.——— *Tenentes de Pidington cariabunt ſalem Domini de foro ubi emptus fuerit ad* Lardarium *Domini.* Paroch. Antiquit pag. 496. Whence *Larderarius Regis*, the King's *Larderer*, or Clerk of the Kitchen.

Larding-Money. In the Manor of *Bradford* in *Com. Wilts*, the Tenants pay to the Marqueſs of *Wincheſter*, their Landlord, a ſmall yearly Rent by this Name: Which I conceive to be for Liberty to feed their Hogs with the Maſt of the Lord's Woods; the Fat of a Hog being called *Lard.* This was called *Lardarium* in old Charters, & *decimam* lardarii *de Haga.* Monaſt. 1 Tom. 321. And thoſe were called *Lardarii*, who were the Chief of the *Lardery, viz. Rogerum Lardararium ſuum.* Eadmerus, lib. 3. pag. 66. Thus Mr. *Blount*, who ſeems miſtaken in the Etymology: For I take it to have been rather a Commutation for ſome cuſtomary Service of carrying Salt or Meat to the Lord's *Larder.*

Lardoſe. In the Choire of the Cathedral of *Durham*, the High Altar and St. *Cuthbert*'s Ferretory is all of the French *Pierre* curiouſly wrought, both inſide and outſide, with fair Images of Alabaſter and gilt, being called in the ancient Hiſtory, the *Lardoſe. Davies Rites and Monum. of* Durham, *pag.* 12.

Larons Is the *French* Word for Thieves. In the Statute for View of *Frank-pledge* made 18 *Ed.* 2. the fourteenth Article, to be given in Charge at a Leet, is of *Petty Larons*, as of Geeſe, Hens, &c.

Laſhlite, i. e. *Legis violatio:* From the Saxon *Lah, lex*, and *ſlite, ruptio. Si quis decimam contrateneat, reddat* Laſhlite *cum Dacis*, Witam *cum Anglis. LL. Eccleſ. Aluredi Regis.* It denoted the *Daniſh* common Forfeiture, which was Twelve *Ores;*

Ores; every *Ore* valuing about xvi d. or xx d. Sterling. *Seldon's Hiſt. of Tithes, pag.* 203.

Laſſarinus Is often mentioned in *Walſingham*, and ſignifies Aſſaſſines or Murderers. *Anno* 1271.

Laſt, (Sax.) *Hleſtan, onerare, Leſt*, (*Fr.*) ſignifies a Burden in general, and particularly a certain Weight or Meaſure. As a *Laſt* of Pitch, Tar or Aſhes, contains fourteen Barrels. 32 *Hen.* 8. *cap.* 14. A *Laſt* of Hides or Skins, Twelve Dozen. 1 *Jac. cap.* 33. A *Laſt* of Cod-Fiſh, Twelve Barrels, 15 *Car.* 2. *cap.* 7. A *Laſt* of Herring, contains Twenty Cades, or Thouſand; every Thouſand, Ten Hundred; and every Hundred Six-Score. A *Laſt* of Cole-Seed is Ten Quarters and a half; and the like of Oats. A *Laſt* of Corn, or Rape-Seed, is Ten Quarters; in ſome Parts of *England*, they reckon Twenty-one Quarters to a *Laſt* of Corn. A *Laſt* of Wool is Twelve Sacks. A *Laſt* of Leather is Twenty Dickers, and every Dicker Ten Skins. Of Unpacked Herrings, Eighteen Barrels make a *Laſt*. A *Laſt* of Pilchards is Ten Thouſand. A *Laſt* of Powder is Twenty-four Firkins, every Firkin weighing a Hundred Pounds. A *Laſt* of *Oſmonds* is four Thouſand Weight. *Sed cum diſcederent* (mercatores) 4 *denarios de unoquoque* Leith *habebant Rex & Comes.* Sc. Ceſtriæ. LL. Edw. Conf. apud Selden. Tit. Hon. f. 620.

Laſt alſo, in the *Marſhes* of *Eaſt Kent*, ſignifies a Court held by Twenty four Jurats, and ſummoned by the two Bailiffs thereof, wherein they make Orders, lay and levy Taxes, impoſe Penalties, &c. for Preſervation of the ſaid *Marſhes*. See the *Hiſt. of Imbanking and Draining, fol.* 54.

Laſtage, Leſtage, and **Leſtina**, (*Laſtagium*, from the Sax. *Laſt, i. e. onus*) A Cuſtom exacted in ſome Fairs and Markets to carry Things bought where one will, (according to *Raſtal.*) But 21 *Rich.* 2. *cap.* 18. it is taken for the Ballaſt or Lading of a Ship. In a Charter of *Henry* the Third, to the Monaſtery of *Sempringham*, thus; *Et ſint quieti de Theolonio, & pontagio, & paſſagio, & pedagio, &* Leſtagio, *& ſtallagio.* Where it is to be underſtood in the former Signification. *Omnes homines London. ſint quieti & liberi & omnes res eorum per totam Angliam, & per portus maris, de theolonio, & paſſagio, &* laſtagio, *& ab omnibus aliis conſuetudinibus.* Diploma Hen. 1. de Libertatibus London.

Laſtage (ſays another Author) Is properly that Cuſtom which is paid for Wares ſold by the *Laſt*, as *Herrings, Pitch*, &c.

Laſtage Was alſo uſed for Garbage, Rubbiſh, or ſuch like Filth, as appears by this Record; *Et quod nullus de cætero aliqua hujuſmodi immunda viſceralia, exitus & inteſtina beſtiarum, aut fimos, ſimaria, ſterquilinia, ſordes, mucos, rubboſa*, Laſtagium, *aut alia ſordida in aqua Thameſis ponat vel projiciat*, &c. Clauſ. 16 Rich. 2. Dorſ. 11.

Laſt heir, *Ultimus hæres*, Is he to whom Land comes by Eſcheat, for want of lawful *Heirs*, that is, the Lord of whom they held in ſome Caſes, but in others the King. *Quippe Rex omnium hæredum ultimus eſt, uti Oceanus omnium fluviorum receptaculum.* Bract. lib. 7. cap. 17.

Laſtum. See *Lathes*.

Latera, *Sideſmen*, Companions, Aſſiſtants.—— *Novit autem veſtra diſcretio quod ſalus Eccleſiæ Anglicanæ, & etiam Regni, plurimum dependet a venerabili Patre Domino Archiepiſc. Cantuar. quapropter neceſſaria ſunt ei* Latera *non ſolum quæ ſapiant jura regni, ſed & quæ ſapiant jura Dei*——talibus lateribus *jupiter fulciatur Dominus Archiepiſcopus.*—— Epiſt. Rob. Groſthead *apud Append. ad Faſciculum.* p. 388.

Laterare, To lie Side-ways, in Oppoſition to lying End-ways.—— *unam peciam prati apud Langemede que capitat ad Regiam ſtratam, &* Laterat *ad terras hæredum* Nicholai *de* Sandwyco *militis*—— *Dat.* Anno 1317. Ex Regiſtr. Eccl. Chriſti Cantuar. MS.

Lathe or **Leth**, (*Laſtum, Leda*) Sax. *Lathe*, Is a great Part of a County, ſometimes containing three or more Hundreds or Wapentakes; as it is uſed in *Kent*. *Suoque olim ſubaudiens Magiſtratui quem* Ledgrevium *apellabant. Et quod Anglice vocabant 3 vel 4 Hundreda, iſti vocabant* Thrihinga. *In quibuſdam vero Provinciis, Anglice, vocabant* Læth, *quod iſti dicunt* Trihinge. *Quod autem in* Trihinge *definiri non poterat, ferebatur in* Scyram, *i. e.* in Curiam Comitatus: *LL. Edw. Conf. cap.* 35. *Et ſint quieti de ſectis comitatuum*, Leth, Hundred, *& auxiliis Vicecomitum.* Pat. 1 H. 4. part 8. m. 8.

Lathreve or **Leidgreve**, or *Thritbingreve*. An Officer under the *Saxon* Government, who had Authority over the third Part of the Country, or three or more Hundreds or Wapentakes: Whoſe Territory was thereupon called a *Tithing*, otherwiſe a *Leid* or *Leithen*, in which Manner the County of *Kent* is yet divided, and the *Rapes* in *Suſſex* ſeem to anſwer the ſame; and perhaps the *Ridings* in *Yorkſhire* being now corruptly ſo called for *Tridings* or *Tithings*. Thoſe Matters that could not be determined in the Hundred-Court, were thence brought to the *Trithring* where all the principal Men of three or more Hundreds, being aſſembled by the Authority of the *Lathreve* or *Trithingreve*, did debate and decide it; or if they could not, did then ſend it up unto the County-Court to be there finally determined. Vid. *Spelman's* Antient Government of *England*.

Latimer Seems to be uſed by Sir *Edward Coke* for an Interpreter. 2 *Par. Inſt. fol.* 515. I ſuppoſe the Word is miſtaken, and ſhould be *Latiner*, becauſe heretofore he that underſtood *Latin*, which, in the Time of the *Romans*, was the prevailing Language, might be a good Interpreter. *Camden* agrees, that it ſignifies a Truchman, or Interpreter, and ſays the Word is uſed in an old Inquiſition. *Britan. fol.* 598. and may be derived or corrupted from the Fr. *Latinier*. q. d. *Latiner*.

Latinarius, An Interpreter of *Latin*; *Godwinus accipitrarius, Hugo* Latinarius. *In* Domeſday.

Latin. Falſe *Latin* ſhall not quaſh an Indictment, nor abate any Declaration; for although the original Writ ſhall abate for falſe *Latin*, yet judicial Writs, or a Fine, ſhall not be impeached for falſe *Latin*. See *Co.* 5. *Rep. Long's* Caſe. But if the Word be not *Latin*, nor a Word allowed by the Law, as *Vocabulum artis*, (as every Art and Science hath its proper Terms) but be inſenſible; and if it be in a material Point, this makes the Indictment inſufficient, as *Burglariter, murdrum, felonice*, and the like, be Terms of Art well known in the Law; and therefore if theſe Words, or the like, be miſtaken in an Indictment, ſo that in a material Place there is an inſenſible Word, which is not *Latin*, nor any Word known in the Law, this will make the Indictment vicious and inſufficient.

Latitat Is the Name of a Writ, whereby all Men in perſonal Actions are called originally to the King's Bench. *F. N. B. fol.* 78. And it hath the Name, as ſuppoſing that the Defendant doth lurk and lie hid; and therefore being ſerved with this Writ, he muſt put in Security for his Appearance at the Day, for *Latitare eſt ſe malitioſe occultare, animo fraudandi creditores ſuos agere volentes.* But the true Original of this Writ, was this; In antient Time, while the King's Bench was moveable, and followed the King's Court, the Cuſtom was, upon commencing of a Suit, to ſend forth a Writ to the Sheriff of the County where the Court lay, for the Calling him in, and if the Sheriff returned, *Non eſt inventus in Balliva mea, &c.* then was there a ſecond Writ ſued forth, that had theſe Words, *cum teſtatum eſt quod* Latitat, *&c.* and thereby the Sheriff commanded to attach him in another Place where he may be found. Now when the Tribunal of the King's Bench came to be ſettled at *Weſtminſter*, the former Courſe of Writ was held for a long Time, firſt ſending to the Sheriff of *Middleſex* to ſummon the Party, and if he could not be found there, then to apprehend him whereſoever; but afterwards upon Pretence of eaſing the Subject, and expediting Juſtice, it was contrived to put both theſe Writs into one, and ſo to attach the Party complained of, upon a Suppoſal or Fiction, that he was not within the County of *Middleſex*, but lurking elſewhere; and that therefore he was to be apprehended in any Place elſe, where he was preſumed to *lie hid*, by a Writ directed to the Sheriff of the County where he is ſuſpected to be. And by this Writ a Man being brought in, is committed to the Marſhal of the King's Bench, in whoſe Cuſtody, when he is, he may be ſued upon an Action in that Court.

Latro, (*Latrocinium*,) He who had the ſole Juriſdiction in a particular Place *de Latrone.* 'Tis mentioned in *Leg. W.* 1. *viz. Sciatis quod Abbati Ailiſt ſoram, teloneum &* Latronem *habere concedo.* So in *Charta Hen.* 1. *apud Spelman, Sacam & Socam habere in totam terram ſuam &* Latrocinium. This Word in old Charters is frequently uſed for the Liberty of *Infangtheof*, or Privilege of judging and executing of Thieves.

Latta, A Lath.—— *Mandatum ad cendulas &* Lattas *noſtras* (*i. e.* our Shingles and Lattice,) *cariandas a parco ad domos noſtras reficiandas.* Pat. 4. H. 3. P. 1. m. 10. Hence a *Lattice* made of *Laths.*

Lavatorium, A *Laundry*, or Place to waſh in. There was in Cathedral Churches commonly a *Lavatory* in the Porch, or Entrance, where the Prieſts and other officiating Members were obliged to waſh their Hands, before they proceeded, to divine Service. Hence in the Statutes of the Church of St. *Paul* in *London*, it was ordained, *ut Sacriſta* Lavatorium *in veſtibulo per ſervientes frequenter mundari faciat.—— Liber Statut. Eccl.* Paul. London. *MS. fol.* 59. 6. But it was commonly an Ewer.

Lavatres. *Bowes* upon *Stanmore.*

Laudare, To adviſe, or rather to perſuade. *Et* Laudatum *eſt Regi quatenus conſuetudines juſtas non auferret.* Leg. Edw. Conf. cap. 39. So in *Jeffery Monmouth, lib.* 1. *cap.* 6. Laudo *igitur ut ab eo filiam ſuam primogenitam pietatis Duci noſtro conjugem, &c.* So in *Hoveden. pag.* 729. *Laus* is taken for *Advice, viz. Rex Angliæ aſſignabat ei in terra ſua ad* Laudem *& Conſilium Regis Franciæ, &c.*

Laudare Is alſo to Arbitrate. *Knighton, pag.* 2527. and *Laudator* ſignifies an Arbitrator. *Knighton*, 2526.

Laudum, *i. e.* An Arbitrament or Award. 'Tis mentioned in *Nich. Trevett, Anno* 1293. *viz. Rex Angliæ dicto eorum, &c. &* Laudo *ſub certa obligatione ſe ſubmitteret:* 'Tis mentioned alſo in *Walſingham, pag.* 60. And in *Cartular. Glaſton. MS. fol.* 83. *b. Arbitrationi,* Laudo, *ſeu dicto venerabilis Patris Domini Cantuarienſis Archiepiſcopi alte & baſſe nos ſubmittimus.*

Lavina for Labina, *i. e.* Watry Land, *in qua quis facile* Labitur: 'Tis mentioned in *Monaſt. Angl.* 2 *Tom. pag.* 372. *In aquis,* Labinis, *& mariſcis ſæpiſſime periclitantur.*

Launcegaye, (*Anno* 7 *Rich.* 2. *cap.* 13.) A Kind of offenſive Weapons now diſuſed, and prohibited by the ſaid Statute.

Laver-bread. In *Glamorganſhire* and ſome other Parts of *Wales*, they make a Sort of a Food of a Sea-plant, which ſeems to be the Oyſter-green, or Sea-Liverwort. This they call *Laverbread.* Near St. *David's* they call it *Lhavan* or *Lhawuan*, which I think they interpret black Butter.

Laverdiſwike, Unfaithfulneſs to the Chief Lord.

Laurels. Thoſe Pieces of Gold which were Coined in the Year 1619, with the King's Head *Laureated*, were thence commonly called *Laurels*, the Twenty Shilling Piece markt with xx, the ten Shilling Piece with x, the five Shilling Piece with v. *Cambdeni Annal. Jac.* 1. *MS.*

Law, *Lex*, In the general Signification is plain, and by *Bracton* thus defined, *Lex eſt ſanctio juſta, jubens honeſta & prohibens contraria:* And the divine Schoolman ſays, *Lex humana eſt quoddam dictamen rationis, quo diriguntur humani Actus.* This in our Land hath been variable. Firſt, *Molmutius's* Laws, tranſlated out of the *Britiſh* Tongue into *Latin* by *Gildas*, of which we find no obſcure Remnants in our *Laws* now in Uſe. See *Mag. Chart. cap.* 1 & 14. Secondly, *Merchenlage*, mentioned in *Camb. Brit. pag.* 94. and *Polyd. in Hiſt. Angl. lib.* 5. Thirdly, *Weſt-Saxon-lage.* And Fourthly, *Danelage.* The *Laws* called *Merchenlage*, or *Mercian Laws*, were compoſed by *Martia* Queen of the *Britons*; and from her there was a Province called *Provincia Merciorum.* Many *Laws* were publiſhed by *Ethelred* King of *Kent*, by King *Ina*, and *Offa:* But *Alfred*, who ſubdued the whole Kingdom, having reviſed all the *Laws* of his Predeceſſors, retained thoſe which were moſt uſeful, and aboliſhed thoſe which were not, ſo that he was called *Anglicarum legum Conditor*; and theſe Laws were called *Weſtſenelagan.* But this Kingdom being afterwards ſubdued by the *Danes*, they introduced another *Law* called *Danelag*, by which their People were governed; and they being afterwards deſtroyed, *Edward* the *Confeſſor* out of the former *Laws* compoſed that which we now call the *Common Law*; and therefore he is called by our Hiſtorians *Anglicarum Legum reſtitutor.* Theſe *Laws* were only general Cuſtoms obſerved through the Nation, which for that Reaſon were called *Common*; and likewiſe, becauſe *Leges omnibus in Commune reddidit*, to be obſerved by all, with ſuch Amendments as were made by his Father.

William the Firſt did not enact many new *Laws*, but confirmed the old, *viz.* St. *Edward's Laws*; and abrogated none which concerned any Compoſitions or Mulcts of Delinquents.

At preſent the *Law* of *England* is divided into three Parts. 1. The *Common Law*, which is the moſt ancient and general *Law* of the Realm. 2. Statutes, or Acts of Parliament. And 3. Particular Cuſtoms. I ſay Particular; for if it be the general Cuſtom of the Realm, it is Part of the *Common Law*. *Co. on Lit. fol.* 15. *b. Law* hath an eſpecial Signification alſo, wherein it is taken for that which is *lawful* with us, and not elſewhere: As Tenant by the Curteſy of *England*. 13 *E.* 1. 3. And again, to wage *Law*, *Vadiare legem*, and to make or do *Law*, *Facere legem*. Bracton, lib. 3. tract. 2. cap. 37. When an Action of Debt is brought againſt one, upon ſecret Agreement or Contract, as in an Action of Detinue for Goods, Money or Chattels, lent or left with the Defendant, the Defendant may *wage his Law*, if he will, that is, ſwear, and certain Perſons with him, that he detains not the Goods, or owes nothing to the Plaintiff, in Manner and Form as he hath declared, which is intended by *Law* to be only in Caſe of the Plaintiff's want of Evidence, and when he cannot prove his Surmiſe by any Deed or open Act. When one *wages his Law*, he ſhall bring with him ſo many of his Neighbours as the Court ſhall aſſign, (Sir *Edward Coke* ſays Eleven,) to ſwear with him, That they think in their Conſciences he hath ſworn truly. And this *Law* is uſed in Actions of Debt, without Specialty: as alſo where a Man coming to the Court after ſuch a Time, as his Tenements, for Default, be ſeiſed into the King's Hands, will deny himſelf to have been ſummoned. *Glanvil, lib.* 1. *cap.* 9 & 12. *Kitchin, fol.* 164. This is borrowed from *Normandy*, as appeareth by the *Grand Cuſtumary*, *cap.* 85. But *Coke* in his 4 *Rep. fol.* 95. *Slade's* Caſe, ſays, It ſprings originally from the *Judicial Law* of God, alledging for it the Twenty-ſecond Chapter of *Exodus*, verſe 7. The *Feudiſts* call them that come to purge the Defendants, *Sacramentales, lib. feud. Tit.* 4. *ſect.* 3. & *Tit.* 10 & 26. And the *Civilians* call them *Purgatores*. *Spelman* ſays, *Legem vadiare eſt cautionem dare de perimplendo legis exigentiam in re litigata, ut de præſtando Sacramento ad indictam diem cum indicto conſacramentalium ſeu conjuratorum numero* And this was a Cuſtom anciently uſed among the *Egyptians*, as *Boemus* in his Treatiſe *De moribus gentium*, informs us. Anciently *Laga* was uſed as *Latin* for *Law*, as *Lagam Regis* Edwardi *vobis reddo, &c.* Magna Charta, H. 1. 1 R. 3. cap. 2. 31 H. 6. cap. 6. Our *Common Laws* are properly and aptly termed *Leges Angliæ*, becauſe they are appropriate to this Kingdom of *England*, and have no Dependance upon any Foreign *Law* whatſoever. *Co.* 2 *par. Inſt. cap.* 9. Theſe are the Birth-right, and the moſt ancient and beſt Inheritance the Subjects have. *Co. on Litt. lib.* 2. *cap.* 12. *ſect.* 213. and in his *Preface to the ſixth Report*. All Books written in the *Law* are either Hiſtorical, as the *Year Books*; Explanatory as *Staundford's Treatiſe of the Prerogative: Miſcellaneous*, as the *Abridgments*; Or *Monological*, being of one certain Subject, as *Staundford's Pleas of the Crown*, *Lambard's Juſtice of Peace*. See *Fulbeck's Parallels*, cap. 3.

Lawes Round Heaps of Stones, which were a Sort of rude Monument for the Dead, are in the Borders between *England* and *Scotland* called *Lawes*. As in *Staffordſhire Loughs* or *Lows*, from the Saxon *Hilawe*, a Heap of Earth or Stones.

Law of Arms, (*Lex Armorum*,) Is that which gives Precepts, how rightly to proclaim War, to make and obſerve Leagues, to Aſſault the Enemy, and to puniſh Offenders in the Camp.

Law-Day (*Lagedayam*) Is otherwiſe called *View of Frank-pledge*, or *Court-Leet*. *Anno* 1 *Ed.* 4. *cap.* 2. it is uſed for the County-Court. *Et quod terræ eorum imperpetuum quietæ ſint de ſectis Comitatuum & Hundredorum noſtrorum, de viſu Franci-plegii & Lawdayorum, de Turno & auxilio Vicecomitum, &c.* Charta 39 Hen. 3. m. 5. *Una cum omnibus Sectis* Lagedayorum. x. Scriptor. This *Law-day*, or *Lage-day* was properly any Day of open Court, and commonly uſed for the more ſolemn Courts of a County or Hundred. *Debent facere ſectam ad Hundredum prædictum ad duos* Lagedaies *per annum*; *unum ad Feſtum beati Martini, & alium ad le Hokedaie*. Cartular. Abb. Glaſton. MS. fol. 43. a.

Lawe, According to *Domeſday*, by the Interpretation of Mr. *Agar*, of the Receipt in the Exchequer, ſignifies an Aſcent, or eaſy Summit.

Lawing of Dogs. Maſtiffs muſt be *lawed* every three Years. *Cromp. Juriſ. fol.* 163. that is, three Claws of the Fore-foot ſhall be cut off by the Skin. *Char. Foreſtæ, cap.* 6. or the Ball of the Fore-foot cut out. See *Expeditate* and *Pellota*.

Lawleſs-Court, On *Kingſhill* at *Rochford* in *Eſſex*, on *Wedneſday* Morning, next after *Michaelmas-Day*, at Cock-crowing, is held a *Court*, vulgarly called, *The lawleſs Court*. They whiſper, and have no Candle, nor any Pen and Ink, but a Coal, and he that owes Suit or Service, and appears not, forfeits double his Rent every Hour he is miſſing. This *Court* belongs to the Honour of *Raleigh*, and to the Earl of *Warwick*, and is denominated *Lawleſs*, becauſe held at unlawful or *Lawleſs* Hour: The Title of it in the Court-Rolls runs thus,

Kingſhill *in* Rochford ff. *Curia de Domino Rege*
Dicta ſine lege,
Tenta eſt ibidem
Per ejuſdem conſuetudinem,
Ante ortum ſolis
Luceat niſi Polus,
Seneſcallus ſolus
Nil ſcribit niſi colis,
Toties voluerit
Gallus ut cantaverit,
Per cujus ſoli ſonitus
Curia eſt ſummonita:
Clamat clam pro Rege
In Curia ſine lege,
Et niſi cito venerint
Citius pœnituerint,
Et niſi clam accedant
Curia non attendat,
Qui venerit cum lumine
Errat in regimine,
Et dum ſunt ſine lumine,
Capti ſunt in crimine,
Curia ſine cura.
Jurati de injuria.

Tenta ibidem die Mercurii (*ante diem*) *proximi poſt Feſtum Sancti* Michaelis Archangeli, *Anno Regni Regis, &c.*

This

This Court is mentioned in *Cam. Britan.* tho' imperfectly, who says, This servile Attendance was imposed on the Tenants, for conspiring at the like unseasonable Time to raise a Commotion. *Fol.* 441.

Lawless Man, (Sax. *Laugheles Man*, *exlex*) is otherwise called an *Outlaw*. *Pro exlege tenebitur, cum Principi non obediat nec legi, & tunc utlagabitur sicut ille qui est extra legem, si ut* Laughelesse Man. *Bracton, lib.* 3. *de Corona, cap.* 11.

Law of Marque, (*Anno* 27 *Edw.* 3. *Stat.* 2. *cap.* 17.) From the *German* Word *March*, *i. e. Limes*, a Bound or Limit; because they that are driven to make Use of this *Law*, do take the Shipping or Goods of that People of whom they have received Wrong, and cannot get ordinary Justice, when they can take them within their own *Bounds* or Precincts. See *Reprisals*.

Law-Merchant (*Lex Mercatoria*) Is become a Part of the Laws of this Realm; for if there be two Joint-Merchants of Wares, and one of them dies, his Executor shall have the Moiety; which is not so in the Case of others not Merchants. *Co. on Litt. fol.* 182. *Anno* 13 *Edw.* 1. *Stat.* 3. and 27 *Edw.* 3. *cap.* 8.

Charta Mercatoria, 31 *Edw.* 1. *m.* 4. grants this perpetual Privilege to Merchants coming into this Realm: *Quod omnes Balivi, Ministri Feriarum, Civitatum, Burgorum & Villarum* Mercatoriarum Mercatoribus *antedictis comparentibus coram eis celerem Justiciam facient de die in diem sine dilatione, secundum* Legem Mercatoriam, *de universis & singulis quæ per eandem Legem poterunt terminari.*

Lawnd. See *Landa*.

Laws of Molmutius. See *Molmutian Laws*.

Laws of Oleron. See *Oleron Laws*.

Law-Silver. *In Breton Parva omnes servientes Curiæ debent habere crothecas contra autumnum: Habebunt etiam die Sancti Petri ad vincula* 1 *denar. ad* Law-Silver. Cartular. Sancti Edmundi, MS. f. 111.

Law Spiritual (*Lex Spiritualis*) Is the *Ecclesiastical Law*, allowed by the Laws of this Realm, which is not against the Common Law, (whereof the King's Prerogative is a principal Part) nor against the Statutes and Customs of the Realm. And regularly, according to such *Ecclesiastical Laws*, the Ordinary and other Ecclesiastical Judges do proceed in Causes within their Cognizance. *Coke on Littl.* 344. This was called *Law Christian*, and the Ecclesiastical Court, wherein this Law was administred, was called *Curia Christianitatis*; and the Rural Dean, who was Judge or President of the Court within his own District, was called *Decanus Christianitatis*: And in Opposition to this Law, the Common Law was called *Lex mundiata, terrena, &c.*

Law of the Staple (27 *Ed.* 3. *Stat.* 2. *cap.* 22.) Is the same with *Law-Merchant*. See 4 *Inst. fol.* 237, 238. and *Staples*.

Lawyer, (*Legista*, *Legisperitus*, *Jurisperitus*.) Our *Saxons* called him *Lahman*.

Lawnd. See *Landa*.

Lawne or Lound, In *Domesday* signifies a Plain between Woods.

Lay-land, (*Terra inculta*, *novale*,) Land that lies untilled.

Laystall, (*Saxon*) A Place to lay Dung, Soil or Rubbish in, mentioned in the Statute for the better cleansing and paving the Streets of *London*. *Anno* 22 & 23 *Car.* 2.

Lazzi: Of a servile Condition. The *Saxons* divided the People into three Ranks: The first were called *Edhilinghi*, which are now the Nobility: The next were called *Frilingi*, which are now the Gentry; for *Friling* amongst the *Saxons* was he that was born a Freeman, or of Parents which were not subject to any Servitude. The last were called *Lazzi*; and those were born to Labour. They were of a more servile Condition than our Servants, because they could not depart from their Service without the Leave of the Lord. They were fixed to the Land where they were born, and were in Nature of Slaves. And from hence we derive the Word *Lazy*. *Nithardus. lib.* 4. *De Saxonibus*.

Leach-troughs, *Leach-brine*. At the Salt-works in *Staffordshire*, they take the corned Salts from the Rest of the Brine, with a *Loot* or *Lute*, and put it into Burrows, through which being set in the *Leach-troughs*, the Salt drains it self dry; which Draining they call *Leach-brine*, and preserve it to be boiled again as the best and strongest Brine. From *Islandick* is *Latur*, a Drain or Torrent; whence the Bucking Tub or Vessel to put Ashes in for Water to strain through them, to make a Lee or *Lexivium* for washing Cloaths, is in some Parts called a *Latch* or *Leche* and in other Places a *Luck*. So in the Bishopriek of *Durham* a *Leak* or *Leche* is a Gutter: And in *Yorkshire*, any Slough or watry Hole upon the Road is so termed. Saxon *leccian*, to let out Water, to *leak*.

Leap Is a pure *Saxon* Word; for that which we now call a *Seed-Leap*; and *Leap-Fulne* is a *Seed-Leap* full of Corn.

Leap-Year. See *Bissextile*.

Lea of Yarn. *Stat.* 22 & 23 *Car.* 2. *cap.*——) Every *Lea of Yarn* at *Kidderminster* shall contain 200 Threads, reeled on a Reel four Yards about.

Lease, *Dimissio*, From the French *Laisser*, *permittere*, Is a Demise or Letting of Lands or Tenements, Right of Common, Rent, or any Hereditament unto another for Term of Years or Life, for a Rent reserved: And a *Lease* is either written, called *a Lease by Indenture*, or a *Lease Parol*. The Party that letteth this *Lease* is called *The Lessor*, and the Party to whom it is let is the *Lessee*: And a *Lease* hath in it six Points, 1. Words sufficient to import a Demise. 2. A Lessee named. 3. A Commencement from a Day certain. 4. A Term of Years. 5. A Determination. 6. A Reservation of Rent. *Co. lib.* 6. *fol.* 55. *Knight's* Case. *Co. on Litt. lib.* 1. *cap.* 7. *sect.* 56. *Co.* 5 *Rep.* Case of *Leases*.

Leat, A *Mill-leat*, corruptly *Milleat*. A Trench to convey Water to or from a Mill, mentioned in *Stat.* 7 *Jac.* 1. *c.* 19. But most peculiar to *Devonshire*, where in Conveyances the Word does frequently occur.

Lecator, A riotous debauched Person, a Lecher, a Whoremaster. *Sciant, quod ego Johannes Constabularius Cestriæ dedi Hugoni de Dutton, & Haredibus suis Magistratum omnium* Lecatorium & *Meretricum totius Cestershiriæ sicut liberius illum Magistratum teneo de Comite. Salvo jure meo mihi & haredibus meis.* Sine dat. sed circa annum 1220.

Lech, the same with *Lath*.

Lecherwite, alias **Legerwite**. See *Lairwite*.

Lectaria. See *Litera*.

Lectisternium, A Bed. Sometimes all that belongs to a Bed. *Flor. Worc. pag.* 631.

Lectrinum, *i. e.* A Pulpit. *Chirothecas dum oraret super* Lectrinum *posuit*. Monastic. 3 Tom. pag. 243.

Lecturnium, *Lectorium*, The Desk, the Reading Place, or Pew in Churches. —— *Tunc Major presbyter redeat ad* Lecturnium *in epturus quod incumbit, &c. Statuta* Eccl. Paul. Lond. MS. fol. 44.

Lectuffum (*LL. Gul.* 1. *cap.* 6.) Seems to signify a Fine or a Mulct. From the Sax. *Laſt*, *Onus*.

Leda. See *Lathe*. It alſo is the ſame with *Lada*, which ſignifies a *broad Way* or *Broad*, viz. *Treſdecim percas de Leed & 25 in longum de prato*; *i. e* Thirteen Perches in Breadth, and Twenty-five in Length.

Ledgrave, the Chief Man of the *Lathe*.

Ledo, (*Ledona*,) *i. e.* The riſing Water, or Increaſe of the Sea. Ledo *ſex horas inundationis & totidem receſſus habet, malina vero grandis per quinque horas ebullit, & per ſeptem horas littorum dorſa retegit.* Du Cange.

Leet, *Leta*, *viſus Franci Plegii*, Is otherwiſe called *a Lawday*. *Smith de Rep. Angl. lib.* 2. *cap.* 18. and ſeems to have grown from the Saxon *Leo*, which, as appears by the Laws of King *Edward*, ſet out by *Lambard*, *numb.* 34. was a Court of Juriſdiction above the Wapentake or Hundred: Many Lords, together with their Courts-Baron, have likewiſe *Leets* adjoined, and thereby do enquire of ſuch Tranſgreſſions as are ſubject to the Enquiry and Correction of this Court; whereof you may read in *Kitchin*, from the Beginning of his Book to the fifth Chapter, and *Britton*, *cap.* 28. But this Court in whoſe Manor ſoever it be kept, is accounted the King's Court, becauſe the Authority thereof originally belongs to the Crown. *Kitchin*, *fol.* 6. *Dyer*, *fol.* 64. ſaith, That this *Leet* was firſt derived from the Sheriff s Turn. And it inquireth of all Offences under High Treaſon, committed againſt the Crown and Dignity of the King, though it cannot puniſh many, but muſt certify them to the Juſtices of Aſſize, by the Statute of 1 *E.* 3. *cap. ult.* But what Things be only inquirable, and what puniſhable, ſee *Kitchin* in the Charge of a *Court Leet*, from *fol.* 8. to *fol.* 20. See alſo the Statute 8 *E.* 2. and 4 *Inſt. fol.* 261. *Hæc eſt Curia priſca illa*, (ſaith *Spelman*) *quæ inter Saxones ad Friburgos, Decanias Tenementales pertinebat.* The Juriſdiction of Bailiffs within the Dutchy of *Normandy*, in the Compaſs of their Provinces, ſeems to be the ſame, or very like our *Leet*, *cap.* 4. of the *Grand Cuſtumary*. *Leet* comes from the Sax. *Læt*, i. e. *Cenſura, arbitrium*; or from *Lætan*, *Cenſere, æſtimare. Quod in hac olim Curia de damnis æſtimabatur inter vicinos emergentibus, ut patet in* LL. Edw. Conf. cap. 20. See Sir *William Dugdale's Warwickſhire*, *fol.* 2.

Leets or Leits, Meetings appointed for the Nomination or Election of Officers; a Word often uſed in Archbiſhop *Spottewood's Hiſtory of the Church of* Scotland.

Lega, *i. e.* A Place. *Hurſtlega*, a Woody Place.

Lega and Lacta, Anciently the Allay of Money was ſo called. *Debita nummi temperies quam veteres* Legam & Lactam (*ni fallar*) *appellabant.* Spelm.

Legabilis, What is not intailed as Hereditary, but may be bequeathed by Legacy in a Laſt Will and Teſtament. —— *Conſuetudo eſt in pleriſq; civitatibus & burgis quod una domus poteſt legari in Teſtamento & alia non, quia eſt de baronia, & illa non eſt* legabilis, *vel quia hodie poteſt eſſe* legabilis, *& cras non.* —— *Articuli propoſiti in Parliamento coram Rege* 1234. Ex Regiſtr. Will. Wickwane, Archiep. Ebor. MS.

Legacy, *Legatum*, Is a particular Thing given by a laſt Will and Teſtament, and he to whom ſuch *Legacy* is given, is called the *Legatee*. If a Man transfer his whole Right or Eſtate upon another, that the *Civilians* call *Hæreditas*, and him to whom it is ſo transferred, they term *Hæres*; but we call him *Heir* only, to whom all a Man's Lands and Hereditaments deſcend by Right of Blood. See *Heir*. See more in *Deviſe*.

Legalis Homo Is taken for him who ſtands *Rectus in Curia*, not outlawed, nor excommunicated, nor defamed: And in this Senſe are thoſe Words ſo often uſed, *Probi & legales homines*. Hence *Legality* is taken for the Condition of ſuch a Man. *Ipſe tamen malefactor, tradat fidejuſſores de pace & legalitate tuenda, i. e.* Sureties for his good Behaviour. *LL. Edw. Conf. cap.* 18. See *Yeoman*.

Legatary, (*Legatarius*,) He or ſhe to whom any Thing is bequeathed; a *Legatee*. *Spelman* ſays, it is ſometimes uſed *pro Legato vel Nuncio*.

Legate, An Embaſſador, or other Repreſentative of a Prince, eſpecially of the Popes of *Rome*, who in *England* had the Archbiſhops of *Canterbury* for their *Legatos natos*; and upon extraordinary Occaſions ſent over *Legates a latere*. Theſe *Legates* are often mentioned in our old Hiſtorians. The Difference between them is thus: *Legatus a Latere* was uſually one of the Pope's Family, who was veſted with the greateſt Authority in all Eccleſiaſtical Affairs over the whole Kingdom where he was ſent; and during the Time of his Legation, he might determine even thoſe Appeals which had been made from thence to *Rome*. *Legatus natus* had a more limited Juriſdiction. 'Tis true, he was exempted from the Authority of the *Legate a Latere*; but he could exerciſe even his Juriſdiction in his own Province.

Legatee Is the Perſon to whom a Legacy is bequeathed by a laſt Will.

Legatory, (*Anno* 27 *Eliz. cap.* 16.) The ſame with *Legatary*.

Legatum, In the Eccleſiaſtick Senſe was a Soul-Seat, or Legacy given to the Church or accuſtomed Mortuary. In all Churches appropriated to the Abbey of *Oſney*, the perpetual Vicars by Endowment were to have every ſecond *Legacy*, if to the Value of Six-pence, and one half of it, if beyond that Value. *Vicarius.* —— *habebit ſecundum* legatum *ad valentiam ſex denariorum, & quod ultra ſex denarios fuerit, inter ipſum & Canonicos dimidiabitur.* Paroch. Antiq. p. 304.

Per Legem Angliæ tenere. To hold by the Law or Curteſy of *England*. As when a Man is Tenant for Life to the Inheritance of his Wife deceaſed —— Henricus *de* Lacy *Comes* Lincoln. *tenet manerium de* Burceſter *ad terminum vitæ ſuæ* per legem Angliæ *de Hæreditate* Margaretæ *Uxoris ſuæ*. Paroch. Antiquit. pag. 361.

Legem facere, To make Oath. *Legem habere*, To be capable of giving Evidence upon Oath. *Legem amittere*, To loſe the Privilege of being admitted as a legal Evidence. *Minor non habet legem, i. e.* is not capable of Teſtimonial Swearing. See Mr. *Selden's Notes on Hengham*, pag. 133.

Legergild, and Legerwit, (*Legergildum*,) The ſame with *Lairwite*. But in the Laws of *Hen.* 1. *cap.* 11, 12. it ſeems to have a different Signification. *Si quis Dei fugitivum habet injuſte, reddat eum ad rectum, & perſolvat ei cujus erit, & Regi emendet ſecundum* Legergildum. But *Legirgild* is not the ſame with *Lairwite*; 'tis a Mulct ſet on him who receives and lodges a Servant departing from his Service without Leave of his Maſter.

Legespend. See *Leſpegend*,

Legioſus, Litigious, and ſo ſubjected to a Courſe of Law.——— *Inquiſitio facta Anno* 1411. *de vicaria de Dunton in agro* Norfole.——— *ad quem vel ad quos ipſius præſentatio pertinet & pertinere debeat iſta vice, & an dicta vicaria ſit* Legioſa, *penſionaria vel portionaria, & ſi ſit, cui, vel quibus, &c. Munimenta Hoſpital. SS. Trinitatis de* Pontefracto. MS.

Legitimation, (*Legitimatio*,) A making lawful, or legitimate.

Leia, The ſame with *Lada*; and ſometimes it ſignifies the Branches of Trees cut to burn. *Brancas etiam de* Leia *quantum neceſſe fuerit ad focum Monachorum.* Du Freſne.

Leiceſter. See *Rata*.

Leidgreve: He who had an Authority over a *Leid*, or *Lath*. See *Lathreve*.

Leipa, A Departure from Service. *Si quis a Domino ſuo ſine licentia diſcedat, ut* Leipa *Emendetur & redire cogatur.* Leg. H. 1. cap. 43.

Leue. See *Exvagium*.

Lenna Occurs in *Domeſday*, corruptly for *Leura*. *Spelm. Gloſſ. verbo* Leuca, which ſee.

Lent, *Quadrageſima*, A ſet Time of Faſting and Abſtinence for Forty Days next before *Eaſter*, mentioned in the Statute 2 & 3 *E.* 6. 19. and firſt commanded to be obſerved in *England* by *Ercombert*, ſeventh King of *Kent*, before the Year 800. See *Baker's Chron. fol.* 7.

Lep and Lace, *Leppe & Laſſee*, Is a Cuſtom in the Manor of *Writtle* in *Eſſex*, that every Cart that comes over a Part thereof called *Greenbury* (except it be the Cart of a Nobleman) pays 4*d.* to the Lord of the Manor. This *Greenbury* is conceived to have anciently been a Market-place, and therefore had this Privilege granted. *Tobias Edmonds, Gen. Seneſcal. ibid.*

Lepa Is a Meaſure which contained the third Part of two Buſhels. *Et colligat in Boſcis Domini de uncibus tertiam partem unius menſuræ quæ vocat'* Lepa, *quod eſt tertia pars duorum Buſſellorum, & valet quadrantem.* Du Cange. From hence we derive a *Seed-Leap*.

Leporarius, A Greyhound for the Hare. *Concedo eis duos* Leporarios *& quatuor* Bracatos *ad* leporem *capiendum in Foreſta noſtra de Eſſexia.* Mon. Angl. 2 Par. fol. 283. a. See *Chatzurus*.

Leporium, A Place where Hares are kept. *Mon. Angl.* 2 *Tom. p.* 1035. *In turbariis, in vivariis & Leporiis, &c.*

Leprosi Amovendo Is a Writ that lies for a Pariſh, to remove a *Leper* or *Lazar* that thruſteth himſelf into the Company of his Neighbours, either in Church, or other publick Meetings, to their Annoyance or Diſturbance. *Reg. Orig. fol.* 267. and *F. N. B. fol.* 423.

Leripoop. The old faſhioned Shoes tipt with Horn, and tied up with Silk Ribbands, or Silver Chains to the Knees, were called *Leripoops*. Rog. Dodſworth, Collect. M. vol. 39. p. 120.

Le Roy le veut. By theſe Words the Royal Aſſent is ſignified by the Clerk of the Parliament to publick Bills, which gives Birth and Life to them which before were but *Embrio's*; and to a private Bill his Anſwer is, *Soit fait comme il eſt deſire.*

Le Roy's aviſera. By theſe Words to a Bill preſented to the *King* by his Parliament, are underſtood his abſolute Denial of that Bill, in a more civil Way, and the Bill thereby becomes wholly nulled.

Leſe Is a *Saxon* Word, and derived from *Leſean*, which ſignifies to divide.

Leſſa, A Leaſh of Greyhounds: The Term is now reſtrained to the Number Three, but was formerly double, or perhaps indefinite.——— *Archiepiſcopus* Cant. *& ſucc. ſui ſemel in quolibet Anno, cum tranſierint per dictam* Foreſtam (*i. e. de* Arundel) *cum* una leſſa *de ſex Leporariis ſine aliis canibus & ſine arcu, habeant unum curſum in eundo & alium redeundo.* Anno 43 H. 3. Reliq Spelm. pag. 118.

Leſpegend, (Sax. *Leſ-pegen, i. e. Baro minor.*) *Sint ſub quolibet horum quatuor ex medio ribus hominibus* (*quos Angli* Leſpegend *nuncupant, Dani vero* Yoong Men *vocant*) *locati, qui curam & onus tum viridis tum veneris ſuſcipiant.* Conſtitut. Canuti Regis de Foreſta, Art. 2.

Leſſa Is a Legacy. *Eleemoſynas quas mei homines faciant de ſuis decimis, atque* Leſſias *de ſuis ſubſtantiis.* From whence we derive the Word *Leaſe. Monaſt.* 1 *Tom. pag.* 562.

Leſſor and Leſſee, The *Leſſor* is he that leaſes Lands or Tenements to another for Term of Life, Years, or at Will: And he to whom the Leaſe is made is the *Leſſee*.

Leſta. See *Lathe*.

Leſtage. See *Laſtage*.

Leſtagefree, Leſtage-free, or exempt from the Duty of paying Ballaſt-Money. King *Edw.* 1. granted to the Barons of the Cinque Ports——— *Quod ſint Wreckfry, Wyttefry, &* Leſtagefry, *& Lonetopfry, & quod habeant Den & Strond apud Gernemuth.*——— Placit. temp. Ed 1. & Ed. 11. MS. 4to. penes Dom. Fountains ex Æde Chriſti Oxon.

Lethia. Among the Cuſtoms and Services done by the Tenants of *Chebenhale* to the Abbey of St. *Edmund* in *Suffolk.*——— *Arabit & herciabit ad duas precarias cum ciho prædicto, metet autem uno die in* Auguſto *& habebit cibum ſuum ad menſam cum pane & aqua, & habebit inter duos & duos peciam carnis &* Lethiam *caſei, ſero autem habebit unum panem &* Lethiam *caſei, & portabit ſecum ad Domum.* Cartular. S. Edmundi. MS. fol. 401.

Leſwes, or Lelbes, Is a Word uſed in *Domeſday*, to ſignify Paſtures, and is ſtill uſed in many Places of *England*, and often inſerted in Deeds and Conveyances.

Leſtwithiel. See *Uzella*.

Lethermite, 2 *Inſt. fol.* 488. This is doubtleſs there miſtaken, or falſe printed for *Lecherwite*. See *Lairwite*.

Letare Jeruſalem. The old Duty of *Quadrageſimals*, or the cuſtomary Oblations made on *Midlent-Sunday*, when the proper Hymn was, *Lætare Jeruſalem, &c.* by the Inhabitants within a Dioceſe to the Mother Cathedral Church; which old Cuſtom of Proceſſion and Oblation at that Time, was the Beginning of that Practice which is ſtill retained among us, of *Mothering* or going to viſit Parents on

on *Midlent-Sunday*. But to return; these voluntary Offerings on that Sunday, were by Degrees settled into an annual Composition or pecuniary Payment, charged on the Parochial Priest, who was presumed to receive them from his People, and obliged to return them to the Cathedral Church; therefore in some Forms of Approbation, the subtle Religious took express Care to throw this among other Burdens upon the oppressed Vicars. As in the Ordination of the Vicarage of *Erdele* in the Archdeaconry of *Huntingdon*, made in the Year 1290. It is provided, *Qui quidem Vicarius solvet Synodalia*, Lætare Jerusalem, *& libros, Vestimenta & alia Ornamenta, luminare competens in cancello, vinum, Oblatas, & Clericum idoneum & his similia inveniet & exhibebit*——— Ex Libro Institutionum Oliv. Sutton Episc. Lincoln. MS.

Leth. See *Lath.*

Letters of Absolution, or absolvatory Letters, (*Literæ Absolutoriæ,*) Were such in former Times, when an Abbot did release any of his Brethren, *ab omni subjectione & obedientia, &c.* and made them capable of entring into some other Order of Religion. The Form of which you may see in *Mon. Faversham. pag.* 7.

Letter of Attorney, *Litera Attornati*, Is a Writing authorising an Attorney, that is, a Man appointed to do a lawful Act in our steads. *West. Symbol. part* 1. *lib.* 2. *sect.* 559. As a *Letter of Attorney* to give Seisin of Lands, to receive Debts, to sue a third Person, *&c.* See the Stat. 7 *R.* 2. 13. Anciently, a *Letter of Attorney* to give Seisin of Lands, ran thus:

PAteat universis per presentes quod ego *Johannes Gour Dominus de Peodelestone* Attornavi *loco meo dilectum mihi in Christo Johannem Hendyng ad ponendum William Nasche & Rogerum Nasche in plena & pacifica seisina in omnibus illis terris, & tenementis cum pertin. suis, quæ & quas habeo in* Orleton *prout in carta Feoffamenti dictis Will. & Rogero inde confecta plenius continetur. Ratum habens & gratum quicquid dictus Johannes nomine meo fecerit in præmissis. In cujus, &c.* Dat. 43 Ed. 3.

Letter Claus, *Literæ Clausæ*, Close Letters opposed to *Letters Patent*: These *Clause Letters* being commonly sealed up with the King's Signet or Privy Seal, while the *Letters Patent* were left open, sealed with the Broad Seal.

Letters of Exchange, *Literæ Cambitoriæ, vel* literæ Cambii. *Reg. Orig. fol.* 194.

Letters of Marque. See *Marque* and *Reprisals*, 14 *H.* 6. 7.

Letters Patent, *Literæ Patentes*, Are Writings sealed with the Great Seal of *England*, whereby a Man is authorised to do or enjoy any Thing, that otherwise of himself he could not, 19 H. 7. 7. And they be so termed of their Form, because they be open with the Seal affixed, ready to be shewed for Confirmation of the Authority given by them. Common Persons may grant *Letters Patent*, *F. N. B. f.* 35. but they are rather called *Patentes* than *Letters Patents*. *Letters Patents* to make *Denizens*. 32 H. 6. 16. yet, for Difference sake, those granted by the King are called *Letters Patent Royal.* 2 H. 6. 10. *Letters Patent* conclude with *Teste me ipso, &c.* Charters with *Hiis testibus.* 2 *par. Inst.* 78. They are sometimes called also *Letters Overt. En Tesmoignance de quel chose nous avons fait faire ceste noz* Letters Overtez. Pat. 23 Edw. 3. p. 2. m. 24. *Letters Patent* of Summons of Debt. *Anno* 9 *H.* 3. *cap.* 18. There is likewise a Writ *Patent* mentioned in *F. N. B. fol.* 1. *&c.*

Levant and Couchant, Is, when Cattle have been so long in another Man's Ground, that they have lain down, and are risen again to feed; in Records in *Latin*, they say, *Levantes & Cubantes.* See *Falda.*

Levanum, Leavened Bread. From the Lat. *Levare*, to make lighter.

Levari facias Is a Writ directed to the Sheriff, for the levying of a Sum of Money upon Lands and Tenements of him that hath forfeited a Recognisance. *Reg. Orig. fol.* 298 & 300. and also *F. N. B.* 265.

Levari facias damna de disseisitoribus Is a Writ directed to the Sheriff, for the Levying of Damages wherein the *Disseisor* hath formerly been condemned to the *Disseisee. Reg. Orig. fol.* 214.

Levari facias residuum debiti Is a Writ directed to the Sheriff, for the Levying the Remnant of a Debt upon Lands and Tenements, or Chattels of the Debtor, that hath in Part satisfied before. *Reg. Orig. fol.* 299.

Levari facias, quando Vicecomes returnavit quod non habuit emptores, Is a Writ commanding the Sheriff to sell the Goods of the Debtor which he hath already taken, and returned that he could not sell them, and as much more of the Debtor's Goods as will satisfy the whole Debt. *Reg. Orig. fol.* 300.

Levare fœnum, To make Hay, or properly to cast it into Wind-rows, in Order *ad tassandum*, to cock it up.——— *Homines de* Hedingdon *venient cum furcis suis ad dictum* fœnum Levandum & tassandum. *Paroch. Antiq. pag.* 320. Hence *una levatio fœni* was one Day's Hay-making, a Service paid the Lord by inferior Tenants.—— *Alicia quæ fuit Uxor* Richardi le Grey—— *faciet unam farculaturam & unam* Wedbedripam, & levationem fœni. *ch. p.* 402.

Leuca, Leuba, Leuga, *Viæ spatium. Spelm. Gloss.* verb. *Leuca*, They are often used in *Domesday* for a Measure or Mile of Land. And *Leunides* hath the same Signification there. *Quodam Parco ibidem, continente in circuitu tres* Leucas, *& vocatur* Keribulloc *cum haya & muro incluso.* Item. *quadraginta Perticas ad quarantenam, & 12 quarantenas ad* Leucam. *MS. of the Dutchy of* Cornwal. It seems here to be used for a Mile. See *Burton's Comment. on Anton. Itinerary, fol.* 29.

Leuca Is a Measure of Land, consisting of 1500 Paces. *Ingulphus*, tells us 'tis 2000 Paces, *pag.* 910. In the *Monastic.* 1 *Tom. p.* 313. 'tis 480 Perches.

Leucarum, *Loghore* in *South Wales.*

Leucata Is a Space of Ground, as much as a Mile contains. *De bosco, &c. continente unam* Leucatam *in Latitudine & dimidium in Longitudine.* Monast. 1 Tom. p. 768. And so it seems to be used in a Charter of *William* the Conqueror to *Battle-Abbey. Concedo etiam eidem Ecclesiæ* Leucatam *circumquaque adjacentem liberam & quietam de omni geldo* Du Cange.

Levellus, A *Level*, even or upon the *Level.* ———*Anno* 1240. *venerunt* Abbas *S.* Petri *de* Burgo *& Radulphus de* Basset *de Pitheste ad emendandum stagnum molendini de Pitheste*——— *concesserunt & providerunt*——— *quod dictum stagnum humiliabitur per* Levellum *sicut cæterum pratum ex utraque parte*——— *ita quod aqua non exeat de canali pro exaltatione dicti stagni nisi præ nimia inundatione cretinæ.*——— Cartular. Abbatiæ S. Petri de Burgo Swafham dictum. MS. f. 208.

Levy, (*Levare*) Signifies, To gather or exact; as, To *levy* Money: And is ſometimes uſed, To erect or ſet up; as, To *levy* a Mill. *Kitchin, fol.* 180. Alſo, To raiſe or caſt up; as, To *levy* a Ditch. *Old Nat. Br. fol.* 110. And, To *levy* a Fine, which is now the uſual Term. But I have ſeen a Deed, wherein *William St. George* Eſquire covenants to *vere a Fine* of the Manors of *Brandon* and *Wych-hampton*. *Dat.* 17 *Hen.* 6.

Leua, The ſame with *Leuca*.

Ley Is often taken for *Judicium Dei*. 'Tis the ſame as *Lada* amongſt the *Saxons*, which is either a canonical or vulgar Purgation. In *Leg. H.* 1. *cap.* 62. *Ab Adventu Domini uſque ad octavas Epiphaniæ, non eſt tempus Leges faciendi.*

Ley amiſſa, or **Legem amittere**, *viz.* One who is an infamous, perjured, or outlawed Perſon. In *Bracton, lib.* 4. *cap.* 19. *par.* 2. *Non eſt ulterius dignus Lege.*

Ley Apoſtata, or **Legem Apoſtatare**, Is to do a Thing contrary to Law. 'Tis mentioned in *Leg. H.* 1. *cap.* 12. *Qui* Legem Apoſtatabit *vere ſuæ ſit reus prima vice.*

Ley Brehonia, The *Brehon* Law, was a Law peculiar to *Ireland*, overthrown by King *John* in the Twelfth Year of his Reign, and the *Engliſh* Laws ſettled inſtead thereof. See *Brehon*.

Ley Bretoyſe, The Law of the *Britains*, or of the Marches of *Wales*, *Lex Marchiarum*. See *Bretoyſe*.

Ley Deraiſnia, *rectius* **Deraiſina**, Is the Proof of a Thing which one denies to be done by him, and his Adverſary affirms it; defeating and confounding the Aſſertion of his Adverſary, and ſhewing it to be without and againſt Reaſon or Probability. *Juris membrum eſt Normannici, quod in priſco ejuſdem Cuſtumario*, cap. 126. *ſic definitur.* Deraiſina *autem eſt Lex quædam in Normannia conſtituta, per quam in ſimplicibus querelis inſecutus, factum quod a parte adverſa ei objicitur, ſe non feciſſe declarat.* Vide plura ibidem & *Dereyn.*

Ley Judicialis Is properly *Purgatio per Judicium Ferri.* Sometimes 'tis called *Judicium. Leg. H.* 1. *cap.* 9, 45, 49.

Ley Sacramentalis, i. e. *Purgatio per Sacramentum.* Leg. H. 1. cap. 9. *Si quid bello vel* Lege Sacramentali, *&c. repetatur.*

Ley Terræ, *i. e.* The Law and Cuſtom of the Land, diſtinguiſhed by this Name from *Lege Civili*, as Mr. *Selden* tells us in *Diſſertation. ad Fletam, cap.* 9. *par.* 3.

Ley Walleniſica, The *Britiſh* Law, or Law of *Wales. Statut. Walliæ.*

Ley, *Lex.* See *Law.* We alſo term Paſture by a frequent Name in ſeveral Countries, *Leys*, and ſo is it uſed in *Domeſday.*

Ley, Lee, Lay, Whether in the Beginning or End of Names of Places, ſignify an open Field, or large Paſtures. From the Saxon *Leag, Campus, Paſcuum*; as *Blechingley, &c.*

Ley-gager, (*Anno* 1 *Car.* 1. *cap.* 3.) Wager of Law. See *Law.*

Libaninum, Inſtead of *Libamen. Bibentes unum* Libaninum *in ſpoliationem captivandorum.* Knighton, Anno 1270.

Libel, *Libellus*, Literally ſignifieth a little Book, but by Uſe it is the original Declaration of any Action in the Civil Law, 2 *H.* 5. 3. and 2 *E.* 6. 13. It ſignifies alſo, a criminous Report of any Man caſt abroad, or otherwiſe unlawfully publiſh'd, and then called *Famoſus Libellus*: And this is either *in ſcriptis, aut ſine ſcriptis: In ſcriptis* is, when an *Epigram* or other Writing is compoſed or publiſh'd to another's Diſgrace, which may be done *Verbis aut Cantilenis*: As where this is maliciouſly repeated or ſung in the Preſence of others; or elſe *Traditione*, when the *Libel*, or any Copy of it is delivered over to ſcandalize the Party. *Famoſus* Libellus *ſine ſcriptis* may be twofold; 1. *Picturis*, as to paint the Party in a ſhameful and ignominious Manner. Or, 2. *Signis*, As to fix a Gallows, or other ignominious Signs at the Door of the Party, or elſewhere. *Co.* 5 *Rep. de famoſis* Libellis.

Libello habendo. See *Copia* Libelli habenda.

Libera, A *Livery* or Delivery of ſo much Graſs or Corn to a Cuſtomary Tenant, who cuts down or prepares the ſaid Graſs or Corn, and receives ſome Part or ſmall Portion of it as a Reward or Gratuity.——*Debet unam* Wedbedripam. ——*& unam falcaturam, & habebit* liberam *ad veſperas quæ vocatur Glenyngs, tantum ſicut falcator poteſt per falcem levare & portare domum.* Paroch. Antiq. pag. 401. So the *Livery* of Hay and Oats, or the Giving out ſuch a Quantity for feeding Horſes. Whence *Livery-Stable*, &c.

Libera batella, A free Boat. *Per* Liberam batellam, *hoc eſt, habere unam cymbam ad piſcand. ſubter pontem Ceſtriæ & ſupra Etonam, & ibidem cum omni genere retium.* Plac. in Itin. apud Ceſtriam, 14 Hen. 7.

Libera chaſea habenda Is a Writ Judicial, granted to a Man for a *Free Chaſe* belonging to his Manor, after he has by a Jury proved it to belong to him. *Regiſter of Writs Judicial, fol.* 26, and 37.

Liberate Is a Writ iſſuing out of the Chancery, to the Treaſurer, Chamberlains, or Barons of the Exchequer, or Clerk of the *Hamper*, &c. for the Payment of any annual Penſion, or other Sums granted under the Great Seal. See *Broke*, Tit. *Tayle d'Exchequer*, num. 4. *Reg. Orig. fol.* 193. Or ſometimes to the Sheriff, *&c. Nat. Brev. fol.* 132. For the Delivery of any Lands or Goods taken upon Forfeits of Recogniſance, ſee *Co. lib.* 4. *fol.* 64, 66, 67. *Fullwood's* Caſe. It lies alſo to a Gaoler, for the Delivery of a Priſoner, that hath put in Bail for his Appearance. *Lamb. Eirenarch. lib.* 3. *cap.* 2.

Liberatio, *i. e.* Whatever Money, Meat, Drink, or Clothes, is yearly, or at any ſet Times in the Year, given by the Lord to his Domeſticks. *Cum Rex Scotiæ ad Curiam Regis Angliæ venerit, habebit quotidie de* Liberatione 30 *Sols*, & 12 *Waſtellos dominicos*, & 12 *Simenellos dominicos*, *&c.* Here 'tis mentioned as a Proviſion for a King; but in *Brompton* 'tis ſaid: *Et dedit unicuique vadia ſua &* Liberationem *ab illo die uſque ad proximum paſcha ſequent'*: From whence we derive the Word *Livery.*

Libera Wara. See *Wara.*

Libertas Eccleſiaſtica. This is a moſt frequent Phraſe in our old Writers, to ſignify Church Liberty, or Eccleſiaſtical Immunities. The Right of *Inveſtiture* extorted from our Kings by Force of Papal Power, was at firſt the only Thing challenged by the Clergy, as their *Libertas Eccleſiaſtica*: But by Degrees, under weak Princes and prevailing Factions, under the Title of *Church Liberty*, they contended for a Freedom of their Perſons and Poſſeſſions from all Secular Power and Juriſdiction, as appears by the Canons and Decrees of the Councils held by *Boniface* Archbiſhop

ſhop of *Canterbury*, at *Merton*, *A. D.* 1258. and at *London*, *A. D.* 1260. *&c.*

Libertate probanda Is a Writ that lay for ſuch as were challenged for Slaves, and offer'd to prove themſelves free, directed to the Sheriff, that he take Security of them for the proving of their Freedom before the Juſtices of Aſſiſe, and provide that in the mean Time they be quiet from the Vexation of thoſe that challenge them. *F. N. B. fol.* 77. Villenage, and the Appendixes thereof, *viz.* Infranchiſement, *&c.* Writs *de Nativo habendo*, *Libertate probanda*, *&c.* were of old great Titles in the Books, but now antiquated. See *Nativo habendo.*

Libertatibus allocandis Is a Writ that lies for a Citizen, or Burgeſs of any City or Borough, that contrary to the *Liberties* of the City or Town whereof he is, is impleaded before the King's Juſtices, or Juſtices Errant, or Juſtice of the Foreſt, *&c.* to have his Privilege allowed. *Reg. Orig. fol.* 262. *F. N. B. fol.* 229.

Libertatibus exigendis in Itinere Is a Writ whereby the King willeth the Juſtices in *Eyre* to admit of an Attorney, for the Defence of another Man's *Liberty* before them. *Reg. Orig. fol.* 19.

Liber taurus A free Bull. *Compertum per Jur. quod Will. de Loſa fuit ſeiſitus de* libero Tauro *habendo in Hamſted, &c.* ——— *Ideo conſideratum eſt, quod prædictus W. recuperet damna ſua, quæ taxantur per Jur. ad* iv s. *pro imparcatione ejuſdem* Tauri, *&c.* Norf. 16 Edw. 1.

Liberte, *Libertas*, Is a Privilege held by Grant of Preſcription, whereby Men enjoy ſome Benefit or Favour beyond the ordinary Subject. *Liberties* Royal, what they be, ſee in *Bract. lib.* 2. *cap.* 5. and *Broke hoc titulo.* See *Franchiſe.*

Liberum Herbagium. See *Herbagium.*

Liblacum, The Manner of bewitching any one; or ſometimes 'tis taken for a barbarous Sacrifice. *Decrevimus etiam de ſortilegis & Liblacis & ſortem dantibus.* Leg. Athelſtan. 6. So *qui falſum jurabit, vel* Liblacum *faciet, ſit in æternum e conſortio Dei ſegregatus.* Leg. Edmundi edit. apud Lond. 6.

Lib æ arſæ penſatæ & ad numerum: A Phraſe which often occurs in the *Domeſday-Regiſter* and ſome other Memorials of that and the next Age. As *Ailesbury* in *Buckinghamſhire*, the King's Manor. ——*in totis valentiis reddit* Lvi *libr. arſas & penſatas, & de Thelonio* X *libr.* ad numerum, *i. e.* in the whole Value it pays Fifty-ſix Pounds burnt and weighed; and for Toll Ten Pounds by Tale. For they ſometimes took their Money *ad numerum* by Tale in the current Coin upon content: But ſometimes they rejected the common Coin by Tale, and would melt it down to take it by Weight when purified from the Droſs and too great Allay; for which Purpoſe they had in thoſe Times alway a Fire ready in the Exchequer to burn the Money, and then weigh it.

Libra Penſa, A Pound of Money in Weight; for it was uſual in former Days, not only to tell the Money, but to weigh it; for ſeveral Cities, Biſhops, and Noblemen, had their Mints and coined Money, and often very bad, and therefore though the Pound conſiſted of 20 *s.* they weighed it. Thus in *Domeſday*, we read, *reddit nunc* 30 libras *arſas & penſatas.* Gale's Hiſt. of Brit. fol. 761.

Librata terræ Contains four Oxgangs, and every Oxgang 13 Acres. *Skene*, verbo *Bovata terræ*; with us it is ſo much Land as is yearly worth xx s. For in *Henry* the Third's Time, he that had *quindecim libras terræ*, was to receive the Order of Knighthood. See *Fardingdeal.* Some are of Opinion, that as Money is divided into Pounds, Shillings, Pence, Half-pence and Farthings, the ſame Degrees are to be obſerved in the Diviſion of Lands; and therefore as *quadrans* ſignifies a Farthing, ſo *quadrantata* is the fourth Part of an Acre, *oblata* is half, and *denariata* is a whole Acre, *ſolidata* is Twelve Acres, and *librata* is Twenty Times Twelve Acres, *i. e.* Two hundred and forty. *Spelman* is of another Opinion, who compares an Acre to a Mark in Money; and as in one there are One hundred and ſixty Pence, ſo in the other there are One hundred and ſixty Perches, which they divide into Halfs and Quarters: So that an Acre contains Three hundred and ſixty *Denarios*; but ſome ſay, that *Librata terræ* is ſo much Ground as is worth yearly 20 *s.* of current Money.

Liburna. See *Galea.*

Licence to ariſe, *Licentia ſurgendi*, Is a Liberty given by the Court to a Tenant that is eſſoined *de malo lecti*, in a real Action: For the Law is, that in this Caſe he may not ariſe out of his Bed, or at leaſt go out of his Chamber, until he have been viewed by Knights thereto appointed, and have a Day aſſigned him to appear: And the Reaſon of this is, that it may appear whether he cauſed himſelf to be eſſoined deceitfully or not; and therefore if the Demandant can prove that he was ſeen abroad before the View, or *Licence* of the Court, he ſhall be adjudged to be deceitfully eſſoined, and to have made Default. Of this, ſee *Bracton*, *lib.* 5. *tract.* 2. *cap.* 7, 10 & 12, and *Fleta*, *lib.* 6. *cap.* 10. and *Horne's Mirrour of Juſtices*, lib. 2. cap. *des Eſſoynes.*

Licence to go to Election. *Licentia eligendi*, Regiſt. fol. 294. See *Conge d'Eſlire.*

Licentia Concordandi, 12 *Car.* 2. 12. See *King's Silver.*

Licentia ſurgendi Is the Writ whereby the Tenant eſſoined *de malo lecti*, obtaineth Liberty to riſe.

Licentia tranſfretandi Is a Writ or Warrant directed to the Keepers of the Port at *Dover*, *&c.* willing them to let ſome paſs quietly beyond Sea, who have formerly obtained the King's *Licence* thereunto. *Reg. Orig. fol.* 193.

Licina Inſtead of *Bucina: Tubis cum* licinis *perſtrepentibus.* Matt. Weſtm.

Lidford Law Is a proverbial Speech, intending as much as to hang Men firſt, and judge them after. The like is ſaid of *Halifax* in *Yorkſhire*, I ſuppoſe becauſe their Proceedings are ſummary.

Lieferenant or **Lieutenant**, *Locumtenens*, Is compounded of *lieu*, *locus & tenir*, *tenere*, and ſignifies him that occupieth the King's, or any other Perſon's Place, or repreſenteth his Perſon, as the *Lieutenant* of *Ireland*, 4 *H.* 4. 6. So alſo it is uſed 2 & 3 *E.* 6. *cap.* 2. whence that Officer ſeems to take his Beginning.

Lieftenant of the Ordnance, 39 *Eliz. cap.* 7. We uſe the Word *Lieutenant* alſo for a military Officer, next in Command to the Captain, whoſe Place and Duty is ſo well known, that I need not here enlarge upon it.

Liege, *Ligeus*, Is a Word borrowed from the *Feudiſts*, and hath Two ſeveral Significations in the Common Law, ſometimes being uſed for

Liege

Liege Lord, as 34 & 35 *H.* 8. *cap.* 1. and 25 *H.* 8. 3. and ſometimes for *Liege-man*, as 10 *R.* 2. 1. and 11 *R.* 2. *cap.* 1. *Liege* Lord is he that acknowledgeth no Superior. *Duaremus in Commentar. de conſuetud. feudorum*, cap. 4. num. 3. *Liege-man* is he that oweth Allegiance to his *Liege* Lord. *Skene de verbo* Signif. *verb.* Ligeantia, ſaith, That it is derived from the *Italian* Word *Liga*, a Bond or Obligation: In whom read more of this Matter. See 8 *H.* 6. *cap.* 10. 14 *H.* 8. *cap.* 2.

The Word *Ligius* was uſed for pure, full, or perfect. As *viduitas ligia* was pure Widowhood. —— *Iſabel Gargat filia mea in* ligia viduitate & *Libera poteſtate ſua.* Paroch. Antiq. *p.* 190. So *Ligia poteſtas* was free and abſolute Power of Diſpoſal—— *Ego* Ela *de* Aldithleia *in Libera viduitate mea* & Ligia poteſtate. *ib. p.* 280.

Lieges and Liege-People, (*Ligati*), The King's Subjects, anciently ſo called, becauſe they owe and are bound to pay *Allegiance* to him. *Anno* 8 *Hen.* 6. *cap.* 10. 14 *Hen.* 8. *cap.* 2. and divers other Statutes: Yet anciently private Perſons had their *Lieges.*——

Reinaldus Dei gratia Abbas Rameſiæ, Præpoſito & hominibus de Branceſtre, & omnibus vicinis Francis & Anglis, ſalutem. Sciatis me dediſſe terram Ulf in Depedene, (hodie Depedale) *huic Boſelino & uxori ejus Alſniæ, ita bene ſicut homines de Branceſtre illum teſtificant verum habuiſſe, ea conditione quod effecti ſunt homines* Liges. Lib. Rames. Sect. 244.

Omnibus, &c. Reginaldus Rex Inſularum ſalutem. Sciatis quod deveni homo ligeus *Domini Regis Angliæ Johannis contra omnes mortales quamdiu vixero, & inde ei fidelitatem & ſacramentum præſtiti. Et in hujus rei teſtimonium hanc cartam meam inde feci.* T. *Domino* P. *Wint. Epiſcopo.* MS. penes Wil. Dugdale Ar. See *Ligeancy.* Some are of Opinion that they are called *Lieges* from *Ligando.*

Cum foret Anglorum feodali jure ligati.

But others more probably derive it from *Litis*, which is a Man wholly at the Service of the Lord, whoſe Service is called *Litgium ſervitium*, and who had ſuch an abſolute Dependance on him, that he was his Vaſſal, ſo that *Litgius* or *Ligius* is one wholly under his Power. This appears where the Word is uſed on other Occaſions, *viz. Leg. Edw. cap.* 29. *Judæi ſub tutela Regis ligea debent eſſe*, that is, wholly under the King's Protection: So in the *Monaſtic.* 2 *Tom. pag.* 10. *Ego Juliana quondam uxor W. Brett in ligia poteſtate & viduitate*, that is, in my abſolute Power and Widowhood.

Lieutenant. See *Lieftenant.*

Lieutenant of the Tower Seems to have been an Officer under the Conſtable.

Leirwit eſt multa adulteriorum. *Fleta, lib.* 1. *cap.* 7. It is uſed for a Liberty, whereby a Lord challengeth the Penalty of one that lieth unlawfully with his Bond-woman. See *Legrwita* and *Lotherwit.*

Life-rent Is a Rent or Exhibition, which a Man receives either for Term of Life, or for Suſtentation of Life. *Nota quod Eſchaeta terrarum felonis poſt annum & diem*, (viz. *his Life-rent*) *ipſo vivente computatur inter bona mobilia. Skenæus* ad Quon. Attach. cap. 18. verſ. 5.

Ligeance, *Ligeantia*, Is a true and faithful Obedience of the Subject to his Sovereign; ſometimes it ſignifies the Dominions or Territory of the *Liege* Lord, as 25 *E.* 3. *Stat.* 2. Children born out of the *Ligeance* of the King: Alſo the ſame with *Ligeancy.* See *Co. on Lit. fol.* 129. and 7 *Rep. Calvin's* Caſe.

Ligeancy, *Ligeantia*, Is thus defined in the *Grand Cuſtumary* of *Normandy*, *cap.* 13. Ligeantia *eſt, ex qua Domino tenentur Vaſſalli ſui contra omnes homines qui mori poſſunt & vivere, proprii corporis præbere conſilii & auxilii juvamentum, & ei ſe in omnibus innocuis exhibere, nec ei adverſantium partem in aliquo confovere, &c.* This is otherwiſe called *Legietas.* Caſſan. de conſuetud Burgund. *pag.* 420, 421. This Word is often uſed in our Statutes, as 14 *H.* 6. *cap.* 2. and ſeveral others. It ſeems to be derived from the Ital. *Liga*, a League or Bond; *Vinculum arctius inter ſubditum & Regem utroſque invicem connectens; hunc ad protectionem & juſtum regimen, illos ad tributa & debitam ſubjectionem*; and is ſuch a Duty or Fealty, as no Man may owe or bear to more than one Lord; and therefore it is moſt commonly uſed for that Duty and Allegiance, which every good Subject owes to his *Liege-Lord* the King.

Sovereigne Lord, I Henry Percy *become your Subgette and* Liege Man, *and promit to God and you, that hereafter I Faith and Trouth ſhall bear to you, as to my Sovereign* Liege Lord, *and to your Heirs, Kings of* England, *of life and limme, and of erthly worſhippe, for to live and die ayeinſt all erthly People, and to You, and to Your Commandments I ſhall be obeyſant, as God me help, and his Holy Evangeliſts.* 27 Oct. 9 Edw. 4. Clauſ. 9 Edw. 4. m. 13. in dorſo. *See* Lieges.

Lighter-Men, (22 & 23 *Car.* 2. *Act for cleanſing*, &c. *the Streets of* London) Are thoſe that carry away, by Water, Dung and Rubbiſh in *Lighters*, from the City of *London.*

Lignagium, The Right which one hath to cut Fuel in the Woods: Sometimes 'tis taken for that Tribute or Payment which is due for Cutting Wood.

Lignamina: Timber fit for Building: *Et nunc eſt via qua traducuntur* Lignamina & *Lapides ad opus conſtructionis Monaſterii, &c.* Du Cange.

Ligula, A Copy, Exemplification, or Tranſcript of a Court-Roll or Deed.——*Adam de Statton & Willielmus Filius Nigelli tunc Camerarii de Scaccario liberarunt* Johanni *de* Berewic *ad opus Juſticiariorum Domini Regis itinerantium in Com.* Cornub. *ſub ſigillo Theſaurariæ unam* Ligulam *de ultimo itinere* G. *de* Berton, &c. Mem. in Scaccar. 12 *E.* 1. By Sir *John Maynard.*

Liguritor, a Flatterer. *Liguritores mendaces, rapaces, Dei gravamen habeant.* Leg. Canut. 29. Mr. *Somner* is of Opinion that it ſignifies a Glutton, from the Saxon *Liccera*, i. e. *Guleſus.*

Limitation of Aſſiſe, *Limitatio Aſſiſæ*, Is a certain Time ſet down by Statute, wherein a Man muſt alledge himſelf, or his Anceſtor, to have been ſeized of Lands, ſued for by a Writ of Aſſize. See the Statute of *Merton, cap.* 8. *Anno* 20 *H.* 3. and *Weſtm.* 1. *cap.* 38. 32 *H.* 8. 2. 1 *M.* 1. *Par. cap.* 5. *Theoloal's Digeſt of Writs*, lib. 10. cap. 2. So it is uſed in *Old Nat. Brev. fol.* 77. in theſe Words, The Writ *De conſuetudinibus & ſervitiis* lieth, where I, or mine Anceſtors, after the *Limitation of Aſſiſe* were not ſeiſed of the Cuſtoms, &c. But before the *Limitation of Aſſiſe*, we were ſeized, &c.

Limogia: This is a Word which we often read in the *Monaſticum*, and it ſignifies Enamelled; *Opus de* Limogia, is enamelled Work, *una crux de opere limoceno, &c.* Monaſt. 3 Tom. 331.

Linarium, A Place where Flax is ſown, a Flax-plat. *Et Meſſuagium quod eſt juxta cœmeterium, cum* Linario, *quod jacet juxta prædictum Meſſuagium.* Pat. 22 Hen. 4. Par. 1. m. 33.

Lindesfern Is a Place often mentioned in our Hiſtories, being formerly a Biſhop's See, now *Holy Iſland.*

Lindum, *Lincoln.*

Linio, A *Linpin* or *Linſpin*, the Pin of Iron which faſtens the Wheel upon the Axis.—*In duobus paribus rotarum Empt.* vi s. *in eiſdem ferro Ligandis* iii s. 8 d. *in coxibus & Linionibus* 14 den. ——— *Conſuetudinarium domus de* Farendon. *MS.*

Litera, (from the Fr. *Litiere*, al. *Lictiere*; and that from *Lectum*, a Bed,) Was anciently uſed for Straw for a Bed, even the King's Bed—*Finem fecerunt cum Rege pro terris quas dictus Petrus tenuit—per Serjantiam inveniendi unum ſervientem cum Hambergello per* 40 *dies in Anglia, & inveniendi* Literam ad Lectum Regis, *fœnum ad Palfridum Regis quando jacuerit apud Brokenerſt, &c.* Fines Term. Hill. 1 Ed. 2. in Com. Wilts. *Tres Caractatas Literæ*, for three Cart-loads of Straw or *Litter.* Mon. Angl. 2 par. fol. 33. b.

Literatura, *Literature*; In old Engliſh, *Ad Literaturam ponere*, to put out Children to School. Which Liberty without Conſent of the Lord, was denied to thoſe Parents, who were ſervile Tenants. So in the Lands at *Burceſter*, which were held in Villenage from the Prioreſs at *Merkgate.* —*Quilibet cuſtumarius non debet filium ſuum* ad Literaturam ponere, *neq; filiam ſuam maritare ſine licentia a voluntate Prioriſſæ.* Paroch. Antiq. p. 401. This *Julian*-like Prohibition of Educating Sons to Learning, was owing to this Reaſon, for fear the Son being bred to Letters, might enter into Religion or ſacred Orders, and ſo ſtop or divert the Services which he might otherwiſe do, as Heir or Succeſſor to his Father.

Literatus. We meet with this Word in the *Monaſtic.* 3 *Tom. pag.* 320. *viz. Caſula de ſameto purpureo aliquantum ſanguineo cum pectorali literato*, inſtead of *Liſtato*, *i. e.* bordered round or liſted.

Literæ ad faciendum attornatum pro ſecta facienda. Reg. Orig. fol. 172. *Literæ de annua penſione*, Ibid. fol. 266. & 307. *Litera patens ad faciendum generalem attornatum quia infimus*, Ibid. fol. 21. *Litera per quam Dominus remittit curiam ſuam Regi*, Ibid. fol. 4. *Literæ de requeſtu*, Ibid. fol. 129. *Literæ Canonici ad exercendam juriſdictionem loo ſuo*, Ibid. 305. *Literæ Patentes ad conferendum Beneficia, Domino in remotis agente*, Ibid. fol. 205, 206. *Literæ Regiæ deprecatoriæ pro annua penſione*, Ibid. fol. 307. See theſe in their proper Places.

Literæ ſolutoriæ Were magical Characters, ſuppoſed to be of ſuch Force and Efficacy, that it was impoſſible to bind thoſe Men who carried them: *Comes qui eum tenebat mirari cœpit quare ligari non poſſet, an vero* literas ſolutorias, *de quibus fabulæ fuerunt, apud ſe haberet.* Bede, lib. 4. cap. 22.

Lith of Puckering In the County of *York*, i. e. The Liberty, or a Member of *Puckering*, from the Sax. *Lid.* i. e. Membrum.

Littera, As *Tres Carectas* Litteræ, Three Cart-loads of Straw or Litter. *Mon. Ang.* 2. *par. fol.* 33. *b.*

Littleborough upon Trent. See *Agelocum.*

Littleton Was a famous Lawyer living in the Days of King *Edward* the Fourth, as appeareth by *Staundf. Prær. cap.* 21. *fol.* 72. He wrote a Book of great Account, called *Littleton's Tenures.*

Livery, *Liberatura*, Is derived from the French *Livre*, that is, *inſigne, geſtamen*, or elſe from *Liverer*, id eſt, *tradere*, and accordingly hath Three Significations. In one it is uſed for a Suit of Cloth or Stuff that a Gentleman giveth in Coats, Cloaks, Hats or Gowns, with Cogniſance or without, to his Servants or Followers; and is mentioned in 1 *R.* 2. 7. 20 *R.* 2. 1, 2. 7 *H.* 4. 14. 8 *E.* 4. 2. 13 *E.* 4. 3. 8 *H.* 6. 4. 3 *H.* 7. 1. 12. 11 *H.* 7. 7. 19 *H.* 7. 14. 3 *Car.* 1. *cap.* 4. In the other Signification, it betokened a Delivery of Poſſeſſion to thoſe Tenants which held of the King *in Capite*, or Knights-Service; for the King, by his Prerogative, hath *primer Seiſin* of all Lands and Tenements ſo holden of him. *Staundf. Prerog. fol.* 12. & *cap.* 3. *Livery*, in the third Signification, is the Writ which lies for the Heir, to obtain the Poſſeſſion or Seiſin of his Land at the King's Hands, which ſee in *F. N. B. fol.* 155. But by the Statute 12 *Car.* 2. *cap.* 24. All Wardſhips, *Liveries, &c.* are utterly taken away, and abſolutely diſcharged. Formerly great Men gave *Liveries* to ſeveral who were not of their Family or Servants, to engage them in their Quarrels for that Year: This was prohibited by the Statute 1 *Hen.* 4. *viz.* That no Man of whatſoever Condition, ſhould give any *Livery* but to his Domeſticks, to his Officers, or to his Counſel learned in either Law.

Livery of Land. See *Vadlat.*

Livery of Seiſin, (*Deliberatio Seiſinæ*) Is a Delivery of Poſſeſſion of Lands, Tenements, or other corporeal Thing, (for, of Things incorporeal no *Livery of Seiſin* may be) to one that has Right, or a Probability of Right thereunto. For, (as *Bracton* ſays, *lib.* 2. *cap.* 18. *num.* 3) *Traditio debet eſſe veſtita, & non nuda.* It is a Ceremony uſed in Conveyance of Lands or Tenements, where an Eſtate in Fee-ſimple, Fee-tail, or a Freehold paſſeth: And it is a Teſtimonial of the willing Departure of him, who makes the *Livery* from the Thing whereof *Livery* is made. And the Receiving of the *Livery*, is a willing Acceptance by the other Party of all that whereof the other hath deveſted himſelf. The common Manner of *Delivery of Seiſin*, is thus: If it be in the open Field, where is no Houſe nor Building, and if the Eſtate paſs by Deed, one openly reads it, or declares the Effect of it, and after that is ſealed, the Vendor takes it in his Hands, with a Clod of Earth upon a Twig or Bough, which he delivers to the Vendee, in the Name of Poſſeſſion or Seiſin, according to the Effect of the Deed: But if there be a Houſe or Building upon the Land, then this is to be done at the Door of it, (none being left at that Time within the Houſe) and the Ring of the Door delivered to the Vendee, who enters alone, ſhuts the Door, and preſently opens it again. If it be a Houſe without Land or Ground, the *Livery* is made, and Poſſeſſion taken by Delivery of the Ring of the Door and Deed only. And where it is without Deed, either of Lands or Tenements, there the Party declares by Word of Mouth, before Witneſſes, the Eſtate he parts with, and then delivers *Seiſin* or Poſſeſſion in Manner aforeſaid: And ſo the Land or Tenement paſſeth as well as by Deed, and that by Force of the *Livery of Seiſin.* See *Weſt. Symbol. part.* 1. *lib.* 2. *ſect.* 196. and *Coke on Littl. fol.* 48. *a.* There was anciently a Pair of Gloves, a Ring, Knife, Ear of Wheat, *&c.* delivered in Sign or Token of *Livery and Seiſin.*—*quam donationem, per unum* cultellum *ſuper Altare Sanctæ Mariæ*

optuli, aſtante Priore, &c. Charta Rob. Comitis Nottinghamiæ, An. 1142.

Lobbe, A great Kind of *North-Sea* Fiſh. *Anno* 31 *E.* 3. *Stat.* 3. *cap.* 2.

Local, *Localis*, Signifieth in a legal Senſe as much as tied or annexed to a Place: For Example. The Thing is *local*, and annexed to the Freehold. *Kitchin, fol.* 180. And again, in the ſame Place, an Action of Treſpaſs for Battery, *&c.* is tranſitory, not *local*, that is, not needful that the Place of the Battery ſhould be ſet down as material in the Declaration, or if it be ſet down, that the Defendant ſhould traverſe it, by ſaying, he did not commit the Battery in the Place mentioned in the Declaration, and ſo avoid the Action. And again, *fol.* 230. the Place is not *local*, that is, not material to be ſet down in certain. The Guard of the Perſon, and of the Land differ in this, becauſe the Perſon being tranſitory, the Lord may have his Raviſhment *de gard*, before he be ſeiſed of him, but not ſo of the Land, becauſe it is *local*. *Perkin's Grants*, 30.

Lockman. In the *Iſle of Man*, the *Lockman* is an Officer to execute the Orders of the Governor or Deemſters, much like our Under-Sheriff. See *King's Deſcription of the Iſle of Man*, pag. 26.

Loculus Is a Word mentioned in *Simeon Dunelm. cap.* 6. 10. and it ſignifies a Coffin, *cujus corpus in* loculo *plumbeo tranſlatum eſt.*

Locus Partitus Signifies a Diviſion made between two Towns or Counties to make Trial, in whether the Land or Place in queſtion lies. *Fleta, lib.* 4. *cap.* 15. *num.* 1.

Locutorium, A *Locutory* or Parlour. The Religious after they had din'd in their common Refectory, had a withdrawing Room, where they met for Diſcourſe and Converſation, which Room for that ſociable Uſe, they called *Locutorium a Loquendo*, and *Parlour a* Fr. *Parler.* They had another Room which was called *Locutorium forinſecum*, where they might talk with Lay-Men. *Interim ribaldi cum inſtrumentis clauſum ingredientes de* locutorio *forinſeco Lapides molares levaverunt.* Walſingham, p. 257.

Lodemanage Is the Hire of a Pilot for conducting a Veſſel from one Place to another.

Lodemerege. *Item en droit de* Lodemerege *dient les avantditz Jurez, que leur ſemble c'eſt caſe, ils ne ſcayvent meilleur adviſe ne remedy, mais que ce ſoit deſore uſer & fait per maner qu'eſt conteyne en le Ley D'Oleron.* Pryn's Animadv. on 4 Inſt. fol. 116. *Chaucer* expounds it to be the Skill or Art of Navigation.

Lode-Ship, A Kind of Fiſhing-Veſſel, mentioned 31 *Edw.* 3. *cap.* 2.

Lode-works, (from the Sax. *Lada*, a Watercourſe) One of the Works belonging to the *Stannaries* in *Cornwal*; for which, ſee *Stream-works.*

Logating, An unlawful Game, mentioned 33 *Hen.* 1. *cap.* 9. Now diſuſed.

Logia, A Lodge or Lodgment. — *Circa Abbatiam caſtra metati ſunt, ſicut gentes tentoria ſua, &* Logias *facientes* —— *Quo audito annali illi qui in* Logiis *jam quindecim diebus Excubias fecerant, eaſdem* Logias *combuſſerunt, & receſſerunt ad propria.* Hiſt. Croyland *Contin.* p. 454. Logium, an Outhouſe or Hovel, ſtill called a *Lodge* in *Kent. Cæmentarii in opere fabricæ Eccleſiæ Eboracenſis dormitandi tempus habent poſt nonum in æſtate, dormiunt autem in* Logio *quo operantur, & non alibi*—Anno 1371. Reg. Ebor. Hence *Logges*, Huts or Cottages for Lodging poorer Sort of People. —— *Præſentatum fuit per Juratores quod Prior de* Tynemuth *levavit unam villam ſuper ripam aquæ, &* Tyne *apud* Sholes *ex una parte aquæ, & Prior Dunelmiæ levavit aliam ex altera parte aquæ, ubi nulla villa deberet eſſe, niſi tantummodo* Logges *de quibus Piſcatores poſſent Hoſpitari.* —— Placit. Parl. 18 *E.* 1.

Logwood, Otherwiſe called *Blockwood*, brought from *Campeche*, and divers other remote Parts, and prohibited by the Statute of 23 *Eliz. cap.* 9. and 39 *Eliz. cap.* 11. but ſince by 14 *Car.* 2. *cap.* 11, the Importation and Uſe of it is allowed.

Loich or Lopch Fiſh. (31 Edw. 3. Stat. 3. cap. 2.) *And that no Fiſh called* Loych Fiſh, *be choſen or tried, but only in three Parts, that is to ſay, Lob, Ling and Cod.*

Lollards, (ſo called from *Walter Lollard*, a *German*, firſt Author of this Sect, living about the Year 1315.) Were certain Hereticks (at leaſt in the Opinion of thoſe Times) that abounded here in *England* in the Days of *Edward* the Third, and *Henry* the Fifth, whereof *Wickliff* was the Chief in this Nation, according to *Stow* in his *Annals, f.* 425. They are mentioned *Anno* 2 *Hen.* 5. *cap.* 7. Againſt theſe *Lollards*, much was decreed by *Tho. Arundel*, Archbiſhop of *Canterbury*, in a Council at *Oxford.* See their Tenets in *Spotſwood's Hiſtory of Scotland, fol.* 61. The High Sheriff of every County was anciently bound by his Oath to ſuppreſs them.

——*You ſhall* (ſays the Oath) *do all your Pain and Diligence to deſtroy, and make to ceaſe, all Manner of Hereſy and Errors, commonly called* Lollardies, *within your Bailiwick, from Time to Time with all your Power*, &c.

The Intent of theſe *Lollards* was, to ſubvert the Chriſtian Faith, the Law of God, the Church, and the Realm; ſo ſaid the Statute of 2 *Hen.* 5. *cap.* 7. which was repealed 1 *Edw.* 6. *cap.* 12. See 3 *Inſt. fol.* 41. and *Cawdrie's* Caſe. *Edw. Coke's* Caſe, 1 *par. fol.* 25, *&c.* The Lord Keeper aſſembled all the Juſtices, and conceived that Clauſe in the Oath, touching ſuppreſſing *Lollardies*, ſhould be omitted, becauſe appointed by Statutes that are repealed. This is now held for the true Religion.

Lollardy and **Lollery**, (*Anno* 1 & 2 *Phil.* & *Mar. cap.* 6.) The Doctrine and Opinion of the *Lollards.* Rogerus Acton *miles pro Proditione &* Lollardia *diſtrahatur & ſuſpendatur, & ſic ſuſpenſus pendeat ad voluntatem Regis.* Middleſex Plac. Hill. 1 Hen. 5. Rot. 7. & Trin. 2 Hen. 5. Rot. 6.

London, formerly called *Auguſta.*

Longellus Is a Word uſed in *Thorn's Chronicle*, and it ſignifies *Speciem ſtraguli*, it ſhould be read *Londelli augeantur* 20 *ſtragulæ*, 5 *coopertoria*, 5 *longelli, &c. i. e.* five Coverlets.

Loquela. *Petronilla de S. debet* xx s. *pro habenda* loquela *in curia Domini Regis contra* W. de Fauconbridg. *Rot. Pipæ.* 2. *Johannis Linc.* An Imparlance. *Loquela ſine die* a Reſpite in Law, or a Demur to an indefinite Time. —— *Si vir tenens fuerit infra ætatem, & uxor plenæ ætatis, cum implacitati fuerint, non remanebit* loquela ſine die *propter minorem ætatem viri.* Paroch. Antiquit. p. 201.

Loquericium. See *Locutorium.*

Lord, (*Dominus*, Sax. *Hlaford*, ſignifying a Bread-giver, Bountiful or Hoſpitable) Is a Word of Honour with us, and uſed diverſly. Sometimes being attributed to thoſe who are Noble by Birth

or Creation, and are otherwiſe called *Lords of the Parliament*, and Peers of the Realm: Sometimes to thoſe ſo called by the Curteſy of *England*, as all the Sons of a *Duke* or *Marqueſs*, and the eldeſt Son of an *Earl:* Sometimes to Perſons Honourable by Office, as *Lord Chief Juſtice*, &c. And ſometimes to an inferior Perſon that hath Fee, and conſequently the Homage of Tenants within his Manor; for by his Tenants he is called *Lord*, and in ſome Places, for Diſtinction-ſake, *Landlord:* In which laſt Signification, it is moſt uſed in our Law-Books, where it is divided into *Lord Paramount*, and *Lord Meſn*. *Lord Meſn* is he that is Owner of a Manor, and by Virtue thereof hath Tenants holding of him in Fee, and by Copy of Court-Roll; and yet holds himſelf of a Superior Lord, called *Lord Paramount*, or above him. *Old. Nat. Brev. fol.* 79. We likewiſe read of *Very Lord* and *Very Tenant: Very Lord* is he who is immediate *Lord* to his Tenant; and *Very Tenant*, he that holds immediately of that *Lord:* So that if there be *Lord Paramount*, *Lord Meſn*, and *Tenant*; the *Lord Paramount* is not *Very Lord* to the Tenant. *Broke, Tit.* Heriot, *numb.* 1. See *Langemanni.*

Lord in Groſs, *F. N. B. fol.* 3. Is he that is *Lord*, having no Manor, as the King in reſpect of his Crown, *Ibid. fol.* 5. and *fol.* 8. where is a Caſe wherein a private Man is *Lord in Groſs, viz.* A Man makes a Gift in Tail of all the Land he hath, to hold of him, and dieth; his Heir hath but a Seigniory *in Groſs.*

Lorimers, or Lorimers, May well be deduced from the Latin *Lorum:* They are one of the Companies of *London* that make Bits for Bridles, Spurs, and ſuch like ſmall Iron Ware. 1 *R.* 2. *cap.* 12.

Loſinga, *i. e.* A Flatterer: We read it in *Brompton's Chronicle*, *pag.* 991. *Herbertus* loſinga, that is, *Herbert* the *Sycophant*, *Epiſcopatum*, &c. *Emit de Rege. Godwin* writing of the Biſhops of *Norwich*, mentions this *Herbert*; *Surgit in Eccleſia Monſtrum genitore* Loſinga. *See* Monaſt. 2 Tom. pag. 218.

Lot, or Loth, Is the Thirteenth Diſh of Lead in the *Derbyſhire* Mines, which belongs to the King, *Pro Domino ſuo.*——*Præſentatum eſt in Ragemannis per* 12 *de* Alto Peeco, *quod* Rad. de Wyne *fecit quandam Purpreſturam in ſolo Domini Regis in* Tatington & Preſtelive, *faciendo mineram plumbi, unde Rex ſolebat percipere le* Lot *mineris*, i. e. *Tertium decimum vas*, &c. Rot. Rageman de quo Warranto de Itin. de Derbi. 9 Edw. 1. *Et de minera lixata in hujuſmodi opere in feodo Domini Regis, Dominus Rex habebit pro Domino ſuo tertium decimum diſcum, qui dicitur* le Loth. Eſchaet. de Anno 16 Edw. 1. numb. 34. See *Cope.*

Lot. See *Scot. Clameo quietum eis in perpetuum manerium illud quod ſe pro hida una defendebat, quietum dico & liberum de Scotto &* Lotto, & *Geldo & Danegeldo.* Monaſtic. Tom. 1. pag. 779.

Lotherwite, alias Leyerwit. Is a Liberty or Privilege to take Amends of him that defileth your Bond-woman without Licenſe, *Raſtal's Expoſition of Words*; ſo that it is an Amends for lying with a Bond-woman. *Saxton* in his *Deſcription of England*, cap. 11. See *Lairwit.* Some think it ſhould rather be written *Legerwit*, for *Leger* is the Saxon Word for a Bed; or *Lecherwite*, a Puniſhment for *Lechery.* See *Bloodwit* and *Leyerwit.*

Loventium, *Levenny* in *Brecknockſhire.*

Lourcurdus, A Ram or Bell-weather.——*Abbas habuit in ſtaurum multones* 1630. *matronas* 2611. Lourcurdos 32. *Gredelingos & hogaſtros* 1162. *Augnos, de anno primo* 1276. *ſumma ovium omnium per totum* 6717.—— Chartular. Glaſton. MS. f. 54. a.

Lourgulary, (Fr. *Lourderie*, i. e. *Inhumanitas, Incivilitas.*) *In Statuto pro ſtratis London*, Printed *Anno* 1573. *Art.* 45. Caſting any corrupt Thing, or appoiſoning the Water, is *Lowrgulary* and Felony. Some think it a Corruption of Burglary. See *Gloſſ. in* X. *Scriptores*, *verbo* Burglaria.

Lowbellers, 23 *Eliz. cap.* 10. Are ſuch as go with Light and a *Bell*, by the Sight whereof Birds ſitting on the Ground, become ſomewhat ſtupified, and ſo are taken with a Net. This Name is derived from the Word *Low*, which in the Saxon, or old Engliſh, ſignifies a Flame of Fire. See the *Antiquities of Warwickſhire*, pag. 4.

Lowbote, A Recompence for the Death of a Man killed in a Tumult, or, as we ſay, by the Mob.

Ludi de Rege & Regina, *i. e.* Playing at Cards, ſo called, becauſe there are Kings and Queens in the Pack. *Prohibemus etiam Clericis ne interſint* Ludis *inhoneſtis, &c. nec ſuſtineant* ludos *fieri de* Rege & Regina, &c. *Du Cange.*

Lugovallum, *Carliſle.*

Luminare, A Lamp or Candle ſet burning on the Altar of any Church or Chapel, for the Maintenance of which, Lands and Rent-charges were frequently given to Religious Houſes, and Pariſh-Churches. See Mr. *Kennett's* Gloſſary to *Parochial Antiquities.*

Lunda, A Weight formerly uſed here. *Lunda anguillarum conſtat de* 10 *ſticis.* Fleta, lib. 2. cap. 12. par. 7.

Lundreſs, A Sterling or Eaſterling, in a reſtrained Senſe, ſignified nothing but a Silver Penny, which at firſt was about three Times as heavy as a Penny is now, and was once called a *Lundreſs*, becauſe it was to be coined only at *London*, and not at the Country Mints. Vid. *Lowndes's* Eſſay upon Coins, *p.* 17.

Lupanatrix, A Bawd or Strumpet. *Rex majori & Vic. London Salut'. Quia intelleximus quod plures Roberiæ & Murdra perpetrantur per receptatores & receptatrices publicas* Lupanatrices *in diverſis locis in Civitate noſtra prædicta*, &c. Clauſ. 4 Ed. 1. p. 1. m. 16. dorſo.

Lupinum caput gerere, To be outlawed, and ſo have One's Head expos'd like a Wolf's, with a Reward to him that ſhall bring it in.—— *Hugo filius* Walteri *Presbyteri utlegatus non comparuit, unde dictum fuit quod ex quo Hugo noluit comparere ad pacem Regis, quod* gereret Lupinum caput, *ſicut prius fecit.*—— *Placita Coronæ* 4. *Joh. Rot.* 2. *in dorſo.*

Lupulicetum, A Place where Hops grow, a Hop-Garden. *Co.* 1 *Inſt.* 4. *b.*

Luſernes. See *Furr.*

Luſgul.——*In Scottis, & Geldis, & Danegeldis, &* Luſgul, & *Warpeni, & Nupeni, & de omnibus conſuetudinibus quæ ad me pertinent.* Charta Hen. 2. G. G. n. 2. q.

Luſhburghs, al. Luxenburghs, Was a baſe Sort of Money coined beyond Seas, to the Likeneſs of *Engliſh* Money, in the Days of *Edward* the Third, and brought in to deceive the King and his People. To avoid which, it was made Treaſon for any Man wittingly to bring in any ſuch. *Anno* 25 *Edw.* 3. *Stat.* 4. *cap.* 2. 3 *Part Inſt. fol.* 1. *Knight, Anno* 1347, tells us, That *in eodem Anno*

 defertur

deferitur in Angliam per alienigenas & indigenas mercatores falsa moneta, quæ Lustiburn *appellata est, unde apud Londoniam multi mercatores & alii plures sunt tracti & suspensi.*

Lustrum. See *Curriculus.*

Lyef-yeld, Lef-silver, A small Fine or pecuniary Composition paid by the Customary Tenant to the Lord for Leave to plow or sow, &c. *Tenentes in Waldis non possunt arare terras suas ab æquinoctio autumnali usque Festum beati Martini sine licentia, & ideo reddunt conjunctim dimidiam marcam ad Festum S. Martini, sive fuerit persona, sive non, & vocatur* Lyef-yeld. *Somner* of Gavelkind, p. 27.

Lymputta: *Extendens se a* Lymputta *juxta terram I. S. Liber niger* Hereford. It signifies a Lime-Pit.

Lyndewode Was a Doctor both of the Civil and Canon Laws, and Dean of the Arches: He was Embassador for *Henry* the Fifth into *Portugal, Anno* 1422, as appeareth by the *Preface to his Commentary upon the Provincials.*

M.

M Is a Numeral Letter, and stands for a Thousand; also every Person convicted for Murder (Manslaughter) and admitted to the Benefit of his Clergy, must be marked on the Brawn of the left Thumb with an M by 4 *H.* 7. *cap.* 13.

Mace-griefe, alias **Mace-greffs,** *Machecarii,* Are such as willingly buy and sell stollen Flesh, knowing the same to be stollen, *Britton,* cap. 29. and *Crompton's Justice of Peace,* fol. 193. Vide *Leges Inæ,* cap. 20. *de carnem furtivam tenente. De* Macegrariis *carnes furtivas scientibus, vendentibus & ementibus. Stat.* Walliæ.

Macecaria, Machekuna, *Macellam,* The Flesh-Market or Shambles.—— *de una selda in* Maceearia *quæ sita est inter seldam* Walteri Suhred & *Seldam* Edwardi Galun.——*Chartular. Radinges.* MS. f. 127.

Machecarius, A Butcher.——*Cum autem dictum est, quod nullus hominum emeret absque plegiis animal vivum, clamaverunt* Machecarii *de civitatibus & burgis—quod unaquaque die oportebat eos animalia viva emere, occidere, & vendere.* Leg. Edwardi Regis, cap. 39.

Machecollare vel Machecoulare (from the Fr. *Maschecoulis*) to make a warlike Device, especially over the Gate of a Castle, resembling a Grate, through which scalding Water, or offensive Things may be thrown upon Pioneers or Assailants. 1 *Inst. fol.* 5. a.

Macio, A Mason.——*Ipse cum* Macione & *maturis necessariisque ministris reliquias in maceria recondidit.* ——————Orderic. Vital. l. 6.——*Accitis itaque artificibus——latomisque cum* macionibus *illic ad opus agendum profectus est.* Ibid. cap. 12.

Madning-money, Old *Roman* Coins, sometime found about *Dunstable,* are so called by the Country-People; they seem to retain this Name from *Magintum,* used by the Emperor *Antoninus* in his *Itinerary* for *Dunstable. Cambd.*

Madrigals Is an old Word, signifying Country Songs.

Madus, *Maidstone* in *Kent.*

Maeremium, and **Meremium,** Is derived from the old French Word *Mereime,* for Timber. It properly signifies any Sort of Wood fit for Building *seu quodvis* Materiamen, from whence the Word is derived. See *Materia.*

Rex——dilecto——Rogero de Horsley Constabulario Castri sui de Baumburg, salutem. Mandamus vobis quod homines partium prædict. nuper in Castro prædicto pro salvatione Corporum & rerum suarum contra aggressus Scotorum commorantes, Maeremium *de logiis suis, necnon bona & catalla ac victualia sua in eodem Castro, & in Fossato & Mota ejusdem existentia, sine impedimento, capere & cariare, & quo voluerint asportare, permittatis, &c. T. Rege apud Cowyk* 12 *Junii.* Claus. 16 Ed. 2. m. 3.

Maghote or **Mæghote,** A Recompence for the Slaying or Murder of one's Kinsman; for anciently in this Nation, corporal Punishments for Murder, and other great Offences, were sometimes commuted into pecuniary Fines, if the Friends of the Party slain were so content. *Leg. Canuti Regis,* part 1. cap. 2.

Magi, *Old Radnor.*

Magiovinum, *Dunstable.*

Magister: In old Writings we find this Title often, as *His testibus* Magistro *Johanne de Croft.* It noted the Person had attained some Degree of Eminency *in Scientia aliqua, præsertim literaria.* And in old Time those, who are now called Doctors, were termed *Magistri.*

Magistrate, *Magistratus.* He is *Custos utriusque tabulæ,* the Keeper or Preserver of both Tables of the Law; therefore if any *Magistrate,* or Minister of Justice, in Execution of their Office, or keeping of the Peace, according to the Duty of their Office, be slain, this is *Murder,* for their Contempt and Disobedience to the King and the Law, for it is *contra potestatem Regis & Legis.* Co. 9 Rep. *Mackallye's* Case.

Magna Assisa eligenda Is a Writ directed to the Sheriff, to summon four lawful Knights before the Justices of *Assise,* there upon their Oaths to chuse Twelve Knights of the Vicinage, &c. to pass upon the *Great Assise* between *A.* Plaintiff, and *B.* Defendant, &c. *Reg. Orig. fol.* 8.

Magna Charta, The *Great Charter,* was granted the Ninth Year of *Henry* the Third, and confirmed by *Edward* the First. The Reason why it was termed *Magna Charta,* was either for that it contained the Sum of all the Liberties of *England,* or else because there was another *Charter,* called *Charta de Foresta,* established with it, which was the less of the Two; or because it contained more than many other Charters, or more than that of King *Henry* the First, or of the great and remarkable Solemnity in the denouncing Excommunication, and direful *Anathema's* against the Infringers of it. We read in *Holinshed,* that King *John,* to appease his Barons, yielded to Laws or Articles of Government, much like to this *Great Charter:* But we have now no ancienter written Law than this, which was thought to be so beneficial to the Subject, and a Law of so great Equity, in Comparison of those which were formerly in use, that King *Henry,* for the Granting it, had the fifteenth Penny of all the moveable Goods, both of the *Spirituality* and *Temporalty* throughout the Realm. *Spelman* in his *Gloss.* on this Word, calls it, *Augustissimum Anglicarum libertatum diploma & sacra Anchora.* It is *Magnum in Parvo,* and hath been above *Thirty Times confirmed,* says *Coke upon Littleton,* fol. 81. It is recorded, That when *Hen.* 3. confirmed it, he swore, *on the Word and Faith of a King, a Christian, and a Knight,* to observe it. See *Charta Magna.*

Magna precaria, A great or general Reap-day: The Lord of the Manor of *Harrow in Com. Middlesex,* had (in 21 *R.* 2.) a Custom, that by Summons

Summons of his Bailiff upon a General Reap-day (then called *Magna precaria*) the Tenants should do 199 Days work for him; every Tenant that had a Chimney was to send a Man. Mr. *Philips* of Purveyance, *pag.* 145.

Magnum Centum, *Communem pasturam ad quadringentas oves per* Magnum Centum *cum tot agnis. Carta* 20 Hen. 3. m. 1. This great Hundrod is Six-score.

Magnus Portus, *Portsmouth.*

Mahomeria, The Temple of *Mahomet*, so called by *Matt. Paris*; and because the Gestures, Noise and Songs there used were ridiculous to the Christians, therefore they called antick Dancing, and every ridiculous Thing, a *Momerie.*

Maiden Rents Is a Noble paid by every Tenant in the Manor of *Builth* in *Com. Radnor*, at their Marriage, and it was anciently given to the Lord for his omitting the Custom of *Marcheta*, whereby some think he was to have the first Night's Lodging with his Tenant's Wife: But I rather suppose it to be a Fine for the Licence to marry a Daughter. See *Marcheta.*

Maidstone. See *Vagniacæ.*

Maidulfi Urbs, *Malmsbury* in *Wiltshire.* So called from *Maidulfus*, an *Irish Scot*, who built a Monastery there, in which *Ædelmus* was the first Monk, and his intended Successor, who afterwards built a very fair Monastery in the same Place.

Maignagium, (from the Fr. *Maignen*, i. e. *Faber ærarius*) a Brasier's Shop. *Idem Hugo tenebat unum* Maignagium *in foro ejusdem villæ*, &c. Lib. Rames. sect. 265. See *Cotland.* But others are of Opinion that it signifies an House, *quasi Messuagium.*

Maihem, or **Mayhem**, *Mahemium*, Maim, Wound, Hurt, cometh of the French Word *Mehaigne*, and signifies a corporal Hurt, by which a Man loseth the Use of any Member, that is or might be any Defence unto him in Battel: As if a Bone be taken out of the Head, or broken in any other Part of the Body or Foot, or Hand or Finger, or Joint of a Foot, or any Member be cut, or by Wound the Sinews be made to shrink; or if any Eye be put out, fore-teeth broke, or any other Thing hurt in any Man's Body, whereby he is disabled to defend himself, or offend his Enemy. *Glanvile, lib.* 14. *cap.* 7. See *Bracton* at large, *lib.* 3. *tract.* 2. *cap.* 24. *num.* 3. *Britton, cap.* 25. and *Staundf. Pl. Cor. lib.* 1. *cap.* 41. and *The Mirror of Justices*, cap. *de Homicide.* But the Cutting off an Ear or Nose, the Breaking of the hinder Teeths or such like, was no *Mayhem*, it being rather a Deformity of Body, than Diminishing of Strength. But now by the Statute of 22 & 23 *Car.* 2. *cap.* 1. the Cutting off a Nose, or Cutting off or Disabling any Limb or Member, is made Felony without Benefit of Clergy: *Mayhem* is commonly tried by the *Justices* inspecting the Party: And if they doubt whether it be a *Mayhem*, or not, they use to take the Opinion of some able Chirurgeon in the Point. The *Grand Customary* of *Normandy*, cap. 6. calls it *Mahaigniun*, and the *Canonists*, *Membri mutilationem*; but all agree, that it is the Loss of a Member, or the Use thereof; and *Membrum, Cassan. de Conf. Burg. pag.* 168. defines thus, *Est pars corporis habens destinatam operationem in corpore.* See *Skene de verborum significatione, verbo* Machanium. See *Co. on Lit. lib.* 2. *cap.* 11. *sect.* 194. *Homo Mahemiatus*, a Man maimed or wounded. By the old English Law there lay an Appeal for *Maihem* or wilful Wounding: When it was laid to the Charge of the Defendant or Appellee, that he did it *nequiter in felonia*, i. e. maliciously, and with an evil or felonious Intent: And the Appellant did offer *disrationare versus eum, sicut homo maihemiatus prout curia Domini Regis consideraverit.* Vid. *Bracton*, lib. 3. cap. 24. n. 1, 2.

Mai Inductio, An old May-game, or ludicrous Custom for the Priest and People in Procession to go to some adjoining Wood on a May-day Morning, and return in a Sort of Triumph, with a May-Pole, Boughs, Flowers, Garlands, and such-like Tokens of the Spring There was thought to be so much heathen Vanity in this Practice, that it was condemned and inhibited within the Diocese of *Lincoln*, by the good old exemplary Bishop *Grosthead.*——— *Faciunt etiam, ut audivimus, Clerici ludos quos vocant* Inductionem Maii, *& festum Autumni, & Laici scotales, quod nullo modo vos latere possit. Si vestra prudentia super hiis diligenter inquireret.*——— Rob. Grosseteste, *Episcopi* Line. *Epist. apud Append. ad Fasciculum*, p. 382.

Mail, *Macula*, a Coat of Mail; it is called Mail, from the French *Maille*, which signified a square Figure, or the square Hole of a Net. So *Maille de haubergeons* is a Coat of *Mail*, because the Links or Joints in it resembled the Squares of a Net. *Maille*, with a double *ll*, signifies a round Ring of Iron, from hence the Play of *Pall-Mall*, from *palla* a Ball, and the round Ring through which it is to pass.

Maile, Anciently a Kind of Money. *Etiam latius accipitur, nec tantum pro denariis pluribus, sed & portione aliqua rei frumentariæ vel annonariæ; hoc vero in plaga Angliæ Boreali* Blackmaile *dicitur, ut pecuniario illo distinguatur.* Inquis. capta post mortem Wil. de Coway, Anno 20 Edw. 3. n. 69. Lanc. *Est in* Ulverston *quoddam proficuum vocat.* Geesmales, *& quoddam proficuum apud* Plumpton, *vocat.* Cowmale. *Spel.* See *Blackmaile.*

Mailes, Silver Half-pennies. In 9 *Hen.* 5. by Indenture in the Mint, a Pound-weight of old *Sterling* Silver was to be coined into Three hundred and sixty *Sterlings* or Pennies, or Seven hundred and twenty *Mailes*, or One thousand four hundred and forty Farthings. Vid. *Lowndes's Essays upon Coins*, p. 38.

Mainad, A false Oath, Perjury.——— *Si nolit abjurare, emendet ipsum* Mainad, *id est, perjurium dupliciter*——Leg. Inæ Regis, cap. 34.

Maine-porte, (*in manu portatum*) Is a small Tribute, (commonly of Loaves of Bread) which in some Places the Parishioners pay to the Rector of their Church, in Recompence for certain Tithes. See *Waxshot. Vicaria de* Wragby, (in Com. Linc.) *consistit in toto Altaragio & in Ceragio, vulgariter dict.* Waxshot, *in panibus vulgariter dict.* Mainport, *& in incremento denariorum Sancti Petri, vulgariter dict.* Fire-harth. *Spelman.* This *Main-port-Bread* was paid to the Vicar of *Blyth*, as you may see in the *Antiquities of Nottinghamshire, fol.* 473.

Mainour, alias **Manour**, alias **Meinour**, From the French *Manier*, i. *manu tractare:* In a legal Sense, denotes the Thing that a Thief taketh away, or stealeth. As to be taken with the *Mainour, Pl. Cor. fol.* 179. is to be taken with the Thing stolen about him: And again, *fol.* 194. it was presented, That a Thief was delivered to the Sheriff or Viscount, together with the *Mainour*

And again, *fol.* 186. If a Man be indicted, That he feloniously ſtole the Goods of another, where, in Truth, they be his own Goods, and the Goods be brought into the Court as the *Mainour*; and it be demanded of him, what he ſaith to the Goods, and he diſclaim them; though he be quitted of the Felony, he ſhall loſe the Goods: And again, *fol.* 149. If the Defendant were taken with the *Manour*, and the *Manour* be carried to the Court, they, in ancient Times, would arraign him upon the *Manour*, without any Appeal or Indictment. *Si dicti Servientes ſeu Balivi ſui aliquem latronem pro aliquo furto ubicumque fuerit facto, eum* Mannopere, *infra feodum Dominii ſui prædicti, ceperint ſeu attach. & ſi ille latro feloniam illam coram quatuor villat. voluntarie cognoverit, tunc liceat dictis Servientibus ſeu Balivis ſuis dictum latronem* decollare, *& dictus Dux*, (Lanc.) *tunc habebit omnia bona ſua*, &c. Plac. apud Ceſtriam, 31 *Edw.* 3. de Quo War. in Manor. de *Halton.* I find this Word uſed in the *Old Nat. Brev. fol.* 110. in this Sort: Where a Man maketh a Thing by *Manour*, or Levying or Eſtopping; in ſuch Caſe he ſhall have an Aſſiſe; where it ſignifies handy Labour, and is but an Abbreviation of *Mainovery.*

Mainpernable, That may be let to *Bail*, bailable. See the Statute of *Weſtm.* 1. *cap.* 15. made *Anno* 3 *E.* 1. what Perſons be *mainpernable*, and what not.

Mainpernors, *Manucaptores*, Are thoſe Perſons to whom a Perſon is delivered out of Cuſtody or Priſon, and they become Security for him, either for Appearance or Satisfaction; they are called *Manucaptores*, becauſe they do it as it were *manu capere & ducere captivum e cuſtodia vel priſona.* And the Priſoner is ſaid to be delivered to *Bail*, from the Words of the *Bail-piece*, viz. *A. B. &c. traditur in Ballium* J. D. & R. R. &c. See *Mainpriſe.*

Mainprize, *Manucaptio*, Is compounded of two French words, *viz. Main*, *manus*, *Pris*, *captus:* It ſignifies in our Law, the Taking or Receiving a Man into friendly Cuſtody, that otherwiſe is or might be committed to Priſon, upon Security given for his forth-coming at a Day aſſigned: And they that thus undertake for any, are called *Mainpernors*, becauſe they do receive him into their Hands, *Staundf. Pl. Cor. fol.* 178. from hence comes the Word *Mainpernable*, which denotes him that may thus be bailed; For in many Caſes a Man is not *mainpernable*, whereof ſee *Bro.* Tit. *Mainpriſe per totum*, and *F. N. B. fol.* 249. *Manwood* in his *Foreſt Laws*, pag. 167. makes a great Difference between Bail and *Mainpriſe*; for he that is *mainpriſed* (ſaith he) is always ſaid to be at large, and to go at his own Liberty out of Ward until the Day of his Appearance; but otherwiſe it is, where a Man is *let to bail* to four or two Men by the *Lord Chief Juſtice in Eyre* of the Foreſt, or any other Judge, until a certain Day; for there he is always accounted by the Law to be in their Ward and Cuſtody for the Time: And they may, if they will, keep him in Ward or in Priſon all that Time, or otherwiſe at their Will; ſo that he that is ſo bailed, ſhall not be ſaid by the Law to be at large, or at his own Liberty: Thus far *Manwood.* The *Mirror of Juſtices* diſtinguiſhing between *Pledges* and *Mainpernors*, ſaith, That Pledges are more general, and that *Mainpernors*, are Body for Body, *lib.* 2. *cap. de Treſpaſs venial*, and *lib.* 3. *cap. des Pledges &* Mainpernors. When *Mainpriſes* may be granted, and when not, ſee *Cromp. Juſt. of Peace*, fol. 136, and 141. and *Lamb. Eiren. lib.* 3. *cap.* 2. *pag.* 336, 337, 338, 339, 340. See alſo *Britton*, *fol.* 37. cap. *des Pledges & Mainpernors.* Laſtly, The *Mirror of Juſtices* ſaith, That *Pledges* be thoſe that bail or redeem any Thing but the Body of a Man, but *Mainpernors* are thoſe that free the Body of a Man; and therefore that *Pledges* belong properly to real and mix'd Actions, and *Mainpernors* to perſonal.

Mainſworn, In the North, ſignifies as much as *forſworn. Brownl. Rep.* 4. *Hob. Rep.* 8.

Maintainor, 19 *H.* 7. 14. Is he that ſupports or ſeconds a Cauſe depending in Suit between others, either by diſburſing Money, or making Friends for either Party towards his Help.

Maintenance, *Manutentio* and *manutenentia*, Signifies the Upholding of a Cauſe or Perſon, either by Word, Writing, Countenance, or Deed; metaphorically drawn from ſuccouring a young Child, that learns to go by one's Hand: In Law it is taken in the worſt Senſe, as appears by 32 *H.* 8. 9. And when a Man's Act in this Kind is by Law accounted *Maintenance*, and when not, ſee *Broke*, Tit. *Maintenance*, and *Kitchin*, fol. 202. and *F. N. B. fol.* 172. and *Cromp. Juriſd. fol.* 38. The *Writ* that lies againſt a Man for this Offence, is called *Maintenance.* See *Co. on Lit. fol.* 368. *Special Maintenance*, Kitchin, fol. 204. ſeemeth to be *Maintenance*, moſt properly ſo termed. Of this ſee *Cromp. Juſtice of Peace*, *fol.* 155. and the *New Book of Entries*, *verbo* Maintenance.

Mainure. See *Minovery.*

Maior, A Mayor, doth not come from the Lat. *Major*, but from an Old *Engliſh* Word *Maier*, i. e. *Poteſtas.*

Maiſnade, i. e. A Family, *quaſi Manſionata.*

Maiſon Dieu, (*Fr.*) An Hoſpital or Alms-houſe. See *Meaſon Dieu.*

Maiſura ——— *Baldwinus Comes* Exon. *omnibus Baronibus ſuis & Hominibus* Francis & Anglis——*dedi* Maiſuram, *quam ipſe tenet*, &c. *ſine dat.* MS. *Cartarum penes* Eli. Aſhmole, *Arm. Inter antiquas conſuetudines Abbatiæ. S.* Edmundi——*Siquis habuerit in villa unam* maiſuram *terræ dabit inde per annum præpoſito* 1 *Obolum ad* 11 *Terminos*——*Et ſiquis plures* maiſuras *habuerit tot obolos quot* maiſuras.——Cartular. S. Edmundi. *MS.* fol. 314. A Houſe, a Manſion, a Farm: From the Fr. *Maiſon*, *Domus.* See *Manſura.*

Majus-jus Is a Writ or Proceeding in ſome cuſtomary Manors in order to a Trial of Right of Land, and the Entry is ——*Ad hanc Curiam venit* W. L. *in propria Perſona ſua, & dat Domino ii. Sol. ad vidend. Rotulos Curiæ & petit inquirend. utrum ipſe habet* Majus-jus *in uno Meſſuagio*, &c. *an* N. T. *& ſuper hoc Homag. dicunt*, &c. *Ex libro* MS. *Vocat.* Butterfield *in Epiſcopat.* Heref. *de temp.* E. 3. fol. 244. *b.*

Make, *Facere*, Signifies to perform or execute; as to *make his Law*, is to perform that Law which he hath formerly bound himſelf to: That is, to clear himſelf of an Action commenced againſt him by his Oath, and the Oaths of his Neighbours. *Old. Nat. Brev. fol.* 161. *Kitchin, fol.* 192. *Si Placitum debiti vel tranſgreſſionis vel aliquod Placitum fuerit inter vicinos, & defendentes negaverint & vadierint Legem verſus Querentem, ſolebant* facere Legem eum tertia manu, *&c.* (Inq. de Conſuetud. Manerii de Sutton Colfeld a tempore Athelſtani Regis) *i. e.* The Defendants were to bring three Perſons to ſwear with them. Which Law ſeemeth

ſeemeth to be borrowed of the *Feudiſts*, who call thoſe Men that come to ſwear for another in this Caſe *Sacramentales*. Of whom *Hotoman* ſaith thus, *in verbis Feudal. Sacramentales a Sacramento*, id eſt, *juramento dicebantur ii, qui quamvis rei de qua ambigebatur, teſtes non fuiſſent, tamen ex ejus, cujus res agebatur, animi ſententia, in eadem quæ illi verba jurabant, illius videlicet probitate & innocentia confiſi*, &c. The formal Words uſed by him that *makes* his Law, are commonly theſe, *Hear, O ye Juſtices, that I do not own this Sum of Money demanded, neither in all nor any Part thereof in Manner and Form declared. So help me God, and the Contents of this Book.* To make Services or Cuſtom, is nothing elſe but to perform them. *Old Nat. Brev. fol.* 14. To make Oath, is to take Oath.

Mala, A *Male*, a *Porte-Mail*, a Bag to carry Letters, Writings, &c. Among the Rules of the Order of the Knights Templar, cap. 40. *Saccus & mala cum firmatura non conceduntur.*——— I ſuſpect the Word was originally *Britiſh*, becauſe *Mala* or *Maile* is ſaid in the Modern *Iriſh* to ſignify a Pouch, Satchel, or Bag.

Malandrinus, *i. e.* A Thief or Pirate: 'Tis mentioned in *Walſingham*, *pag.* 388. viz. *Brigantinorum more ſemiveſtitus geſtans ad latus ſagittas breves, qualiter utuntur equites Italiæ qui* Malendrini *vocantur.*

Malberge, i. e. *Mons placiti*, a Hill where the People aſſembled like our Aſſizes, which by the *Scots* and *Iriſh* are called *Parly-Hills*. *Du Cange.*

Malden. See *Camelodunum.*

Malecreditus, *i. e.* One who is ſuſpected, who cannot be truſted; ſo in *Fleta*, *lib.* 1. *cap.* 38. *par.* 21. *Recedet inde appellatus omnino quietus, dum tamen a ſuo viſneto non fuerit* Malecreditus, &c.

Malediction, (*Maledictio*), A Curſe, which was of old uſually annexed to Donations of Land, made to Churches and Religious Houſes.——— *Si quis autem* (*quod non optamus*), *hanc noſtram Donationem infringere temptaverit, perpeſſus ſit gelidis glacierum flatibus & malignorum Spirituum; terribiles tormentorum cruciatus evaſiſſe non quieſcat, niſi prius in riguis pœnitentiæ gemitibus, & pura emendatione emendaverit.* Charta Regis Athelſtani Monaſt. de Wiltune. *Anno* 933.

Again, *Venientibus contra hæc & deſtruentibus ea, occurrat Deus in gladio iræ & furoris & vindictæ & maledictionis æternæ. Servantibus autem hæc & defendentibus ea, occurrat Deus in pace, gratia & miſericordia & ſalute æterna. Amen, Amen, Amen.* Charta Willielmi de Warenna, Surreiæ Comitis.

Quod ſi forte poſt hæc aliquis hæredum meorum de hiis Eleemoſynis a præfata Eccleſia aliquid abſtulerit, ex ore meo in conſpectu Dei ſit ille maledictus, & in tremendo Judicio, niſi reſipuerit, condemnatus. Amen. Charta Roberti Camerarii Comitis Richmundiæ, in Bibl. Cotton.

Malefeſance, (from the Fr. *Malfaire*, *i. e.* To offend or tranſgreſs), A Doing of Evil, a Tranſgreſſing. *Croke's Rep.* 2 *Par. fol.* 266.

Malefworn, In the North, ſignifies as much as *Forſworn*, *Brownloe's Rep.* 4. *Hobart's Rep.* 8.

Maletent, or **Maletolte**. *Malum vel indebitum Telonium*, In the Statute called *The Confirmation of the Liberties*, &c. 25 *E.* 1. *cap.* 7. Is interpreted to be a Toll of Forty Shillings for every Sack of Wool. *Stow* in his *Annals* calls it a *Maletot*, pag. 461. See alſo the *Statute de Tallagio non concedendo*, *Anno* 35 *E.* 1. Nothing from henceforth ſhall be taken of Sacks of Wool, by Colour of Deceſſion of Maletent. In *France* they had an extraordinary Tax called *Maletoſte*, firſt exacted by *Philip the Fair.*

Malignare Signifies the ſame as to maim any one. *Qui ordinatum occiderit vel* Malignaverit *emendet ei ſicut rectum eſt.* Leg. H. 1. cap. 11.

Malignus, *i. e. Diabolus.*

Prob Dolor, hunc pepulit propria de ſede Malignus.

Malin. See *Marle.*

Malina. See *Ledo.*

Malmesbury. See *Maidulfi urbs.*

Malo grato, Unwillingly. *Libertatem Eccleſiæ quam ipſe nunquam auxit, ſed magnifici anteceſſores ſui* Malo grato *ſuo ſtabilierunt*; i. e. He being unwilling. *Matt Pariſ. Anne* 1245.

Malt-mulna, A Quern or Malt-mill. The Word occurs in *Mat. Paris's* Lives of the Abbots of St. *Albans*, &c.

Malt-ſhot, *Malt-ſcot*, Some Payment for making Malt.———*Solverit de* Malt-ſhot *termino circumciſionis Domini* 20 *Denarios.* Somner of Gavelkind, p. 27.

Malveilles, (from the French *Malvueillance*, *i.* Malice), May haply be uſed in our Records for Miſdemeanors, or malicious Practices. *Record. de hiis quæ fiebant in Parl.* 4. Ed. 3. *liberata in Cancellaria per* Hen. de Ednaſton *Clericum Parl.*——— *Ces ſont les Treaſons, Felonies & Malveilles faitzau noſtre Segneur le Roy & a ſon People per* Roger de Mortimer, &c. Ex libro nigro de Wigmore penes Edw. Harley. Mil. Balnei.

Malveiſin, Fr. *Mauvais voiſin*, *malus vicinus*, The ill Neighbour, a warlike Engine ſo called, to caſt Stones, &c. for Battery of Walls. *Propter petrariam quæ* Malveiſine *Gallice nuncupatur, qua cum machinis aliis Franci ante caſtrum locata muros acriter crebris ictibus verberabant.*——— Mat. Pariſ. ſub Anno 1216.

Malveis procuroꝛs, *In Artic. ſuper Chart. cap.* 10. is underſtood of ſuch as uſe to pack Juries by Nomination, or other Practice, 2 *Inſt. fol.* 561.

Man Sometimes ſignifies a Nag, from the Lat. *Mannus*: And therefore amongſt the Laws of King *Alfred* we find *Mantheof*, *i. e.* an Horſe-ſtealer.

Mana, *i. e.* An old Woman. We read it in *Gervaſe* of *Tilbury*, *cap.* 95. *Mulieres agnoſco* Manas *noſtras quæ proceſſerunt in diebus iſtis*, &c.

Managium, (from the French *Menage*, a Dwelling or Inhabiting) A Manſion-houſe, or Dwelling-place.——— *Conceſſi capitale Managium meum cum pertinentiis*——— Charta Nich. de Balſham ſine dat. *Managium ejuſdem Hugonis cum campo adjacente.* Mon. Ang. 2 Tom. pag. 82.

Manbote, Signifies a Recompence for *Homicide*, or a pecuniary Compenſation to the Lord for the Slaughter of his Vaſſal. *Spelman* in his Firſt Volume, *concil. fol.* 622. ſays, *Manbote*, i. *compenſatio Domino perſolvenda pro homine ſuo occiſo, Anglorum lege Regi & Archiepiſcopo tres marcas de hominibus eorum propriis, ſed Epiſcopo ejuſdem comitatus & Conſuli & Dapifero Regis, Viginti ſolidos, Baronibus autem aliis decem ſolidos*, &c. See *Lambard* in his *Explication of Saxon Words*, verbo *Æſtimatio*, and *Hoveden* in parte poſter. annal. ſuor. fol. 344. & *Bote.*

Manca, (Charta Regis Eadgari Eccleſ. Sancti Pauli, Anno 867. Indictione 15. *Cum lato digno pretio*, i. e. *lx* Mancas *in auro puriſſimo*,) Was a ſquare Piece of Gold, commonly valued at Thirty Pence;

Pence; and *Mancuſa* was as much as a Mark of Silver. *Notes upon Canutus's Laws*, (i. e. *Manucuſa*, Coined with the Hand). So in the Laws of King *Ina*, *cap.* 69. *Ex æſtimatione capitis viri, qui vicenis dum vixerat æſtimatur ſolidis, ſubtrahantur* 30 *ſolidi ad compenſandam domino mortem.* But the *Manca* was not always of that Value, for ſometimes it was valued at Six Shillings, *Leg. H.* 1. *cap.* 69. Manca *ſex ſolidis æſtimetur:* But the Shilling was then but Five Pence. And the *Mancuſa* was a Sort of Money uſed by the Engliſh *Saxons*, equal in Value to our Half-Crown: For *Thorn*, in his *Chronicle*, tells us, That *Mancuſa eſt pondus duorum ſolidorum & ſex denariorum.* And with him agrees *Du Cange*, *in verbo wita plena*, where he ſays, that Twenty *Mancæ* make Fifty Shillings; for *Manca* and *Mancuſa* are promiſcuouſly uſed in the old Books for the ſame Money. But *Spelman* and *Somner* ſay, that a *Mancuſa* was equal to our Mark.

Manciple, *Manceps*, A Caterer, An Officer anciently in the Temple, now called *The Steward.* Of whom our ancient Poet *Jeoffry Chaucer*, ſometimes a Student there, thus writes,

A Manciple *there was in the Temple,*
Of which all Gatours might taken enſemple.

This Officer ſtill remains in Colleges in the Univerſities.

Mancunum. *Mancheſter* in *Lancaſhire.*

Mandamus Is a Writ that lieth after the Year and Day, whereas in the mean Time the Writ called *Diem clauſit extremum* hath not been ſent out to the Eſcheator for the ſame Purpoſe for which it ſhould have been ſent forth. *F. N. B. fol.* 253. See *Diem clauſit extremum.*

Mandamus Is alſo a Charge to the Sheriff, to take into the King's Hands all the Lands and Tenements of the King's Widow, that againſt her Oath formerly given, marrieth without the King's Conſent. *Reg. fol.* 295. See *Widow.*

Mandatary, *Mandatarius*, He to whom a Charge or Commandment is given. Alſo he that obtains a Benefice by *Mandamus.*

Mandate, *Mandatum*, Is a Commandment Judicial of the King, or his Juſtices, to have any Thing done for Diſpatch of Juſtice, whereof you ſhall ſee Diverſity in the Table of the *Regiſter Judicial*, *verbo* Mandatum. The Biſhop's *Mandates* to the Sheriff, 31 *Eliz.* 9.

Mandati dies, *Mandie* or *Maunday*-Thurſday, the Day before Good-Friday, when they commemorate and practiſe the Command of our Saviour, in waſhing the Feet of the Poor, *&c.* As our Kings of *England* have long practiſed the good old Cuſtom on that Day of Waſhing the Feet of poor Men, in Number equal to the Years of their Reign, and giving them Shoes, Stockings, and Money.

De Mandato panes, Loaves or Bread given to the Poor upon Mandey Thurſday.——*Abbas autem* Willielmus *augmentavit tres* panes de mandato *de uno quarterio panis, ita quod ſint æquales panibus conventus.* Chartular. Glaſton. *MS.* f. 29.

Mandatum Is ſometimes taken for a Report or Rumour, as in *Mat. Pariſ. Anno* 1242. *Urgebant Regem* Mandata *ultramarinorum.* Sometimes 'tis taken for that Part of a Monaſtery where Gueſts were entertained, *viz. Fecit reparari & emendari domum* Mandati *ubi recipiuntur hoſpites & pauperes.* Du Cange. See *Mandate.*

Manentes Was anciently uſed for *Tenentes*, or Tenants. *Concil. Synodal. apud Cloverſho. Anno* 822. *Qui in ſolo alieno* manent. And it was not lawful for them or their Children to depart without Leave of the Lord.

Mangcorn, Mancorn, Mongcorn, Mixt Corn, Maſlin. *Idem compotat de uno quarterio & ſex buſſellis de* Maneorn *emptis* vj *Sol.* viij *Den.*—— Ex Compoto domus de Farendon. *MS.* f. 18.

Mangonare, To buy in the Market. *Si venient ad mercatum qui* Mangonant *in caſeo & butiro.* Leg. Æthelred. apud Brompton, cap. 24.

Mangonellus, A warlike Inſtrument, made to caſt Stones againſt the Walls of a Caſtle. And it differs from a *Petrard* thus, *viz.*

Interea groſſos Petraria mittit ad intus,
Aſſidue lapides Mangonellus*que minores.*

Manipulus Was an Handkerchief which the Prieſt always had in his Left-hand.

Manning, *Manopera*, A Day's Work of a Man; in ſome ancient Deeds there is a Reſerve of ſo much Rent, and ſo many *Mannings.* Howbeit, *Maninga* (from the Saxon *Manunge*, i. e. *Admonitio*) ſignifies *conventum ad cauſas diſceptandas indictum. Et nominentur in* Maninga *ſingulorum præpoſitorum tot homines.* Leg. Adelſtan. apud Brompton, cap. 3.

Mannire Is where one is cited to appear in Court, and ſtand to the Judgment there. It differs from *Bannire:* For though both ſignify a Citation, yet one is a Citation by the Adverſary, and the other by the Judge. *Leg. H.* 1. *cap.* 10. *Du Cange.*

Mannopus, *Manopera*, Goods taken in the Hands of an apprehended Thief.—— *Faciunt judicium in curia ſua de latrone qui vocatur* Infangenthief, *cum contigerit talem latronem capi cum* mannopere *intra feodum ipſius, ita quod catalla talia latronis eidem P. & hæredibus ſuis remaneant.*—— Chartular. Radinges, f. 156.

Mannus, A Horſe.——*Lætus itaque & alacer vir morarum impatiens juſſit* mannum *præparari, ſimul cum his qui ad ſe venerunt ad inſulam properans.* Hiſtor. Rameſ. Edit. Gale. cap. 53. *Matth. Pariſ.* uſes the ſame Word for a Pad or Saddle-Horſe, *ſub Anno* 1107. From Saxon *Man*, a Horſe. In the Laws of *Alfred*, we find *Man-theof*, for a Horſe-ſtealer.

Manor, *Manerium*, Seems to be derived of the French *Manour*, *habitatio*, or rather from *manendo*, of abiding there, becauſe the Lord did uſually reſide there. *Eſt feodum nobile partim vaſſalis* (*quos* Tenentes *vocamus*) *ob certa ſervitia conceſſum; partim Domino in uſum Familiæ ſuæ, cum juriſdictione in vaſſallos, ob conceſſa prædia reſervatum. Quæ vaſſallis conceduntur, terras dicimus* tenementales, *quæ domino reſervantur*, dominicales. *Totum vero feodum* dominium *appellatur*, olim Baronia; *unde Curia quæ huic præeſt juriſdictioni hodie* Curia Baronis *nomen retinet. Skene de verb. ſignif.* ſaith, It is called *Manerium quaſi manurium*, becauſe it is laboured by Handy-work: It is a noble Sort of Fee granted partly to Tenants for certain Services to be performed, and partly reſerved to the Uſe of his Family, with Juriſdiction over his Tenants for their Farms. That which was granted out to Tenants, we call *Tenementales*; thoſe reſerved to the Lord, were *Dominicales:* The whole Fee was termed a Lordſhip, of old a Barony; from whence the Court, that is always an Appendant

to the Manor, is called *The Court-Baron*. Touching the Original of the *Manors*, it ſeems that in the Beginning there was a Circuit of Ground granted by the King to ſome Baron, or Man of worth, for him and his Heirs to dwell upon, and to exerciſe ſome Juriſdiction more or leſs within that Compaſs, as he thought good to grant, performing ſuch Services, and paying ſuch yearly Rent for the ſame, as he by his Grant required, and that afterwards this great Man parcelled his Land to other meaner Men, enjoining them ſuch Services and Rents as he thought good, and ſo as he became Tenant to the King, the Inferiors became Tenants to him. See *Perkins's Reſervations*, 670. and *Horne's Mirror of Juſtices*, lib. 1. cap. *de Roy Alfred*, and *Fulbeck*, *fol.* 18. And according to this our Cuſtom, all Lands holden in Fee throughout *France* are divided into *Fieffs* and *arrieri fiefs*, whereof the former are ſuch as are immediately granted by the King; the ſecond, ſuch as the King's *Feudataries* do again grant to others. *Gregorii Syntagm. lib. 6. cap.* 5. *num.* 3. In theſe Days a *Manor* rather ſignifieth the Juriſdiction and Royalty incorporeal, than the Land or Site. For a Man may have a *Manor in groſs*, (as the Law termeth it) that is, the Right and Intereſt of a Court-Baron, with the Perquiſites thereunto belonging, and another or others have every Foot of the Land, *Kitchin*, *fol.* 4. Broke, *hoc titulo per totum*. Bracton, *lib.* 4. *cap.* 31. *num.* 3. divideth *munerium* into *Capitale & non capitale*. See *Fee*. A *Manor* may be compounded of divers Things, as of a Houſe, arable Land, Paſture, Meadow, Wood, Rent, Advowſon, Court-Baron, and ſuch like; and this ought to be by long Continuance of Time, beyond the Memory of Man. For at this Day a *Manor* cannot be made, becauſe a Court-Baron cannot now be made, and a *Manor* cannot be without a Court-Baron, and Suiters or Freeholders. Two at the leaſt; for if all the Freeholds, except one, eſcheat to the Lord, or if he purchaſe all, except one, there his *Manor* is gone *cauſa qua ſupra*, although in common Speech it may be ſo called.

Manppgarnon. Willielmus Walcote *tenet manerium de* Adington *in Com.* Sur. *per ſervitium inveniendi, ad Coronationem Regis, quoddam Potagium vocat.* Manpygarnon.

Manſe, (*Manſus, vel Manſa*), An Habitation or Farm: Alſo an Hide of Land; and the Poſſeſſors of ſuch were called *Manentes*. Spelm.

Manſer, *i. e.* A Baſtard. The Difference of ſeveral Words which ſignify a Baſtard, may be ſeen in theſe Verſes:

Manſeribus *Scortum, ſed Mœcha nothis dedit ortum,*
Ut ſeges a Spica, ſic ſpurius eſt ab amica,
Sunt naturales qui nobis ſunt ſpeciales.

Manſion, *Manſio a manendo*, According to the Definition of *Bracton*, *lib.* 5. *cap.* 28. *num.* 1. Is a Dwelling conſiſting of one or more Houſes. It is moſt commonly taken for the Lord's chief Dwelling-houſe within his Fee, otherwiſe called *The Capital Meſſuage*, or chief Manor-place. *Bracton*, *lib.* 2. *cap.* 26. *Manſion*, amongſt the ancient *Romans*, was a Place appointed for the Lodging of the Prince, or Soldiers in their Journey; and in this Senſe we read *Primam manſionem*, &c. It is probable, That this Word *Manſion* doth in ſome Conſtruction ſignify ſo much Land as *Bede* calleth *Familiam* in his *Eccleſiaſtical Hiſtory*. For *Lambard*, in his *Explication of Saxon Words*, verb. *Hida terra* ſaith, That that which he calleth *Familiam*, others ſince call *Manentem vel manſam Manſus & manſum*, you may read in the *Feudiſts*, and in *Skene de verbor. ſignificat. verbo* Manſus. See *Skene*, verbo *Manſus*. The *Latin* Word *Manſia*, in the Charter granted by King *Kenulphus* to *Ruchin*, Abbot of *Abingdon*, and mentioned by Sir *Edward Coke* in his Report *de Jure Regis Eccleſiaſtico*, ſeems to ſignify a certain Quantity of Land. *Hida vel Manſia*. Mat. Weſtm. in Anno 857. And in a Charter of *Edw. Conf.* it is written *Manſa*. Vide *Hiſt. of Pauls*, *fol.* 189. *Bracton*, *lib.* 5. *tract.* 5. *par.* 1. Manſio *eſſe poterit conſtructa ex pluribus domibus vel una, quæ erit habitatio una & ſola ſine vicino, etiam & ſi alia* Manſio *ſi vicinata non erit villa, quia villa eſt ex pluribus* Manſionibus *vicinata & collata ex pluribus vicinis*. Fleta, lib. 6. cap. 51. Sometimes *Manſio* ſignifies a Family; as, *Terram* 50 Manſionum, &c. *Concilium Cloveſhoe*, *Anno* 800. But that which in ancient *Latin* Authors was called *Hida*, was afterwards called *Manſus*, *i. e.* as much Land as one Plough could till in a Year.

Manſlaughter, *Homicidium*, Is the unlawful Killing of a Man, without a prepenſed Malice. As when Two, that formerly meant no Harm one to another, meet together, and upon ſome ſudden Occaſion falling out, the one killeth the other, *Weſt. part* 2. *Symbol.* Tit. *Inditements*, *ſect.* 44. It differeth from *Murder*, becauſe it is not done with foregoing Malice: And from *Chance-Medley*, becauſe it hath a preſent Intent to kill. And this is Felony, but admitted to the Benefit of Clergy for the firſt Time. *Staundf. pl. cor. lib.* 1. *cap.* 9. and *Britton*, *cap.* 9. Yet it is confounded with Murder in the Statute, *Anno* 28 *E.* 3. *cap.* 11.

Manſum capitale, The chief *Manſa*, or Manor-houſe, or Court of the Lord. *Henry de Oily* gave to the Abbey of *Oſeney* ——— *Capitale manſum meum in Weſton* ——— *Paroch. Antiquit.* p. 150. Called ſometimes *Curia capitalis* ——As *Thomas de S. Waleri* gave to the Abbey of *Oſeney* ——*totum manerium meum de Mixebury cum capitali Curia*, ibid. p. 151. The Word *Manerium* was ſometimes uſed in the ſame Senſe, to denote the Court or Manſion of the Lord.

Manſura and **Maſura** Are uſed in *Domeſday*, and other ancient Records, for *Manſiones vel habitacula villicorum*. But in *Charta de An.* 1 *Ed.* 3. *n.* 3. we read, *De tribus* Manſuris terræ *in Wigornia*. Quære.

Mantura, The ſame with *Manſio*.

Manſus, Anciently a Farm. *Selden's Hiſt. of Tithes*, *pag.* 62. The ſame with *Hida*.

Hæc Indentura teſtatur, quod Reginaldus Grey Dominus de Haſtings, Weisford & de Ruthin tradidit Johanni Saunders Manſum Manerii *de Bedworth*, &c. *Dat.* 18 *Hen.* 6. Here *Manſum Manerii* is uſed for the Manor-Houſe, or Manor-Place. Manſum capitale *dicitur de ædibus Domini Manerii, quas Aulam vulgo nuncupant. Manſum* or *Manſus* is ſometimes confounded with *Meſuagium*. Spelman. There were in ſhort Time conferred on the Monaſtery of *Everſham* 120 *Manſes*, ſays *Creſſy* in his *Church Hiſtory*, *fol.* 530. *a*. Which *Manſes* are in ſome Records latined *Manentes*. Sometimes a *Hide* of Land, and a *Manſe* are confounded. *Illud* Manſum *ſive Meſuagium*. Mon. Angl. 2 Par. fol 658. a.

Mansus Presbyteri, The Manse or House of Residence for the Parish-Priest; the Parsonage or Vicarage-House. —— *Habet etiam dictus Vicarius* (i. e. *de* Ambresdon) *pro inhabitatione sua illum* mansum *in quo* Presbyter *Parochiæ dictæ Ecclesiæ inhabitare consuevit, & duo cotagia eidem adjacentia.* Paroch. Antiq. p. 431.

Mantea, *Mantum, Mantellum*, A Manteau, a Mantel —— *Rex indutus mantea*, &c. *Mat. Paris. sub Anno* 1188.

Mantyle, *Mantile*, May be drawn from the French Word *Manteau*, and signifies with us a long Robe. *Anno* 24 *H.* 8. *cap.* 13.

Manualia Beneficia, The daily Distributions, or Portions of Meat and Drink allotted to the Canons and other Members of Cathedral Churches for their present Subsistence. ——*Consuetudinem quæ in quibusdam partibus inolevit, qua Canonici & alii Beneficiati seu Clerici Cathedralium & aliarum collegiatarum Ecclesiarum distributiones cotidianas, quæ alias* manualia beneficia *seu victualia nuncupantur*, &c. Tho. Lyseaux Decani, Paulini Liber Statutorum Ecclesiæ Sancti Pauli, London. MS.

Manualis Obedientia, Sworn Obedience, or Submission upon Oath —— Henricus de Teisdale, *Prior de* Fincale *& Rector Ecclesiæ de* Gigleswick *fecit pro illa Domino* Johanni *Archiepiscopo Ebor.* manualem obedientiam *die Synodi celebratæ apud Ebor.* 11. *Kal. Maii* 1295.——Collectan. Matthæi Hutton, S. T. P. ex Registris Ebor.

Manubrium, The Handle or Haft of a Sword or Dagger, *Jur. præsentant quod* A. *de* C. *Aurifaber* 2 Junii, 2 Jac. *apud* S. *prædict. quoddam* Manubrium *Pugionis ferreum, Anglice*, a Dagger-hilt of Iron, *&c. apud* Maidston.

Manucaptio Is a Writ that lies for a Man, who, taken upon Suspicion of Felony, and offering sufficient Bail for his Appearance, cannot be admitted thereto by the Sheriff, or other having Power to let to Mainprise. *F. N. B. fol.* 249. See *Mainprise.* How diversly it is used, see the *Reg. Origin.* in the Table, and *Prynn's Animadversions*, fol. 268.

Manuel, *Manuelis*, Any Thing whereof present Profit may be made, or that is employed or used by the Hand. *Staundf. Prærog. fol.* 54. As a Thing in the *manuel* Occupation of one, *i.* actually used or employed by him.

Manumission, *Manumissio*, Is the freeing of a Villein or Slave out of his Bondage: The Form of it, in the *Conqueror's* Time, *Lambard* in his Ἀρχαιονομία, *fol.* 126. setteth down in these Words, *Si quis velit servum suum liberum facere, tradat eum Vicecomiti, per manum dextram in pleno Comitatu, & quietum illum clamare debet a jure servitutis suæ per* manumissionem; *& ostendat ei liberas portas & vias, & tradat ei libera arma* scilicet *Lanceam & gladium, & deinde liber homo efficitur.* Some also were wont to be *manumitted* by Charter. Vide *Broke*, Tit. *Villenage, fol.* 305. The *Terms of the Law* make two Kinds of *Manumission*, one *expressed*, the other *implied: Manumission expressed* is, when the Lord makes a Deed to his Villein, to infranchise him by this Word *Manumittere*, the Manner of which in old Time was thus: The Lord, in the Presence of other Persons, took the Bond-man by the Head, saying, *I will that this Man be free*, and thereupon shoved him forward out of his Hand. *Manumission implied* is, when the Lord makes an Obligation for Payment of Money to him at a certain Day, or sueth him, when he might enter without Suit; or granteth him an Annuity, or leaseth Land to him by Deed, for Years, or for Life, and such like. See *Nief.*

I shall here insert an ancient Charter of Manumission by *John Peckham*, Archbishop of *Canterbury*——*Noverint Universi præsens Scriptum visuri vel audituri quod nos Frater* Johannes *permissione divina* Cant. *Archiepiscopus totius* Angliæ *Primas præsentis scripturæ tenore* manumittimus *& ab omni jugo servitutis absolvimus perpetuæque libertatis titulo decoramus* Robertum de Hempstede *in* Freintfeld *quondam Nativum cum tota sequela sua procreata & procreanda. Ita quod idem R. & tota sequela sua prædicta cum omnibus bonis & catallis ejus liberi in perpetuum remaneant, & liberum statum plenamque & liberam administrationem eorundem bonorum & catallorum suorum sine calumpnia nostra vel successorum nostrorum optineant in futurum. In cujus rei testimonium & perpetuum falcimentum præsenti Scripto Sigillum nostrum duximus apponendum. Hiis Testibus Domino* Tho. de Marines, Rogero de Leukenore, Rogero la Ware, Will. Mauke *militibus*, &c. *Dat. apud Tenham* 11 *Kal.* Apr. MCC. *Octagesimo octavo.* Reg. Eccl. Christi Cant. penes J. Episcopum Norwic.

EDWARDUS *Dei Gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ, omnibus ad quos præsentes Literæ nostræ pervenerint, Salutem. Sciatis quod nos ex gratia nostra speciali & ex mero motu nostro* Manumisimus *& ab omni jugo servitutis liberamus* Johannem Dedwiche *de* Orleton *in Com. Heref. Husbandman, &* Will' Dedwiche *de eadem Husbandman Nativos nostros de Manerio sive Dominio nostro de* Orleton *prædict'. Cum omnibus bonis & catallis suis & tota eorum sequela & progenie de eorum corporibus procreatis sive procreandis. Ita quod nec nos nec Hæredes nec Successores nec Assignati nostri aliquod Juris vel clamei ratione alicujus* Villenagii *in iisdem* Johanne & Willielmo, *seu de eorum progenie procreatis sive procreandis, seu de bonis & catallis suis, exigere vel vendicare poterimus in futuro, &c. In cujus rei testimon. has literas nostras sub sigillo nostro Comitatus nostri Marchiæ fieri fecimus Patentes. Dat. vicesimo die Mensis Aprilis Anno Regni nostri octavo.* Ex ipso autographo penes Johan. Colman Gen.

Mana opera, Stolen Goods taken upon a Thief apprehended in the Fact. See *Mannopus.*

Manuopera, Cattle, or any Implements used in Husbandry. *Ac etiam deodanda, thesaurum inventum, & omnia bona & catalla vocata* Manuopera *inventa, &c.* Monast. 1 Tom. pag. 977. So in *Fleta, lib.* 2. *cap.* 52. *par.* 42. *Probatores cum* Manuopere *capti*, i. e. *Fures catallorum. Et omnimoda Catalla vocata* Manuopera, *cum quacunque persona in eisdem capta.* Par. 13 Hen. 4. Par. 1. m. 14. See *Mainer.*

Manupastus. *Sæpe obvenit in forensi dialecto, pro famulo & serviente Domestica.* Spelman. *Erat culpabilis tanquam de* Manupasto, (*Manwood, cap.* 16. *n.* 6.) *i. e.* He shall be culpable, as of a Thing done by his own Hand, or by one of his Family. *Gloss. in x. Scriptor.* So that *Manupastus* signifies a Domestick: *Si* Manupastus *alicujus accusetur de furto.* Leg. H. 1. cap. 66.

Manupes, A Foot of full and legal Measure. —— *Dedimus quietantiam de* cccciv *acris mensuratis Anno Domini Regis* Henrici *Patris mei* xxxij *præcepto ipsius, per perticam* xxv *pedum per* manupedem *in Com. Ebor.*——Chart. Ric. 1.

Manus Was anciently uſed for an Oath, and for him that took it, a Compurgator; as we often find in old Records, *Tertia, Quarta, Decima manu jurare*; that is, the Party was to bring ſo many to ſwear with him, that they believed what he vouched was true; if he ſwore alone, it was *propria manu & unica*. So in the Viſitation of the Dioceſe of *London* by *Rob. Winchelſe*, Archbiſhop of *Canterbury*, a Woman of *Coggeſhale* in *Eſſex* accuſed of Adultery——— *Mulieri hoc neganti purgatio* ſexta manu *extitit indicta, i. e.* She was to vindicate her Reputation upon the Teſtimony of ſix Compurgators. *Reg. Eccl. Chriſti Cant.*

Manus mediæ & infimæ homines, Men of a mean Condition, of the loweſt Degree.——— *Et plures* mediæ manus *quos ex juſtis & rationabilibus cauſis Rex Pater exhæredaverat.* Radulphus de Diceto *ſub Anno* 1112.——— Inferioris & infimæ manus *homo. Idem ſub annis* 1138, 1185.

Manutenentia Is a Writ uſed in Caſe of Maintenance. *Reg. Orig. fol.* 182 & 189. See *Maintenance.*

Manwozth, The Price or Value of a Man's Life or Head; for of old every Man was rated at a certain Price, according to his Quality, which Price was paid to the Lord in Satisfaction for killing him.

Mara, A Meer, Moor, Lake, Pool, Pond, or Place of Bog, Marſh, &c.——— *Cadens ſuper lacum, quem uſu quotidiano loquendi* Maram *vocamus.* ———Will. Gemet. l. 2. c. 20.——— *Caſtrum & manerium de* Bolyngbroke *cum ſoke*, mara & mariſco.——— *Paroch. Antiq. pag.* 418. Called ſometimes *Mera*, from Brit. *Mer*, Sax. *Mer*, Water. Whence a *Mere-Swine*, a Dolphin; a *Mear* or *Meer*, a Moor or low Marſh; *Mire* or Dirt, *Meers* or Ditches; *Mere-ſtangs*, and *Mere-ſtones*, ſet for Land-marks, or Boundaries in open Fields. See *Mera.*

Marebots Were a Sort of *Spaniſh* Gold Coin, formerly current here.

Marca Is now Thirteen Shillings and four Pence; but in the Reign of *Henry* I. it was only Six Shillings and a Penny in Weight; for the Shillings as well as the Pence were then weighed, or went by Weight; and ſome were coined, and ſome only cut in ſmall Pieces. Now thoſe that were coined were worth ſomething more than the other. *De Tihindi hominis occiſi were debent reddi, &c.* 30 *Sol.* & 5 *Denar. ad Manbotam, idem hodie* 5 Mareæ *de Tbeſindo, i. e. Thaino* 120 *Sol. qui faciunt* 20 Marcas. Leg. H. 1. See *Mark.*

Marcatu, The Rent of a Mark by the Year. *Et unum* Marcatum *redditus de Newenton.* Mon. 1 Tom. pag. 341.

Marchers, or **Lords Marchers**, Were the Noblemen that lived on the *Marches* of *Wales*, or *Scotland*, who in Times paſt (according to *Cambden*) had their private Laws, & *poteſtatem vitæ & necis*, like Petty Kings, which are now aboliſhed by the Statute 27 H. 8. *cap.* 26. Of theſe *Marchers*, you may read *Anno* 2 *H.* 4. *c.* 18. 26 H. 8. *c.* 6. and 1 *Ed.* 6. *cap.* 10. where they are called *Lords Marchers.* And in old Records the *Lords Marchers* of *Wales* were called *Marchiones de Marchia Walliæ.* See *Marquis.* See alſo 1 & 2 *Ph. & Mar. cap.* 15.

Marches (*Marchia*, from the Saxon *Mearc*, *Signum Limataneum*) Are the Bounds and Limits between us and *Wales*, or between us and *Scotland*, *Anno* 24 H. 8. *cap.* 9. Which laſt are divided into *Weſt* and *Middle Marches. Anno* 4 *H.* 5. *cap.* 7. and 22 *Ed.* 4. *cap.* 8. The Word is uſed in the Statute 24 *H.* 8. *c.* 12. generally for the Precincts of the King's Dominions. So in *Charta Diviſionis imperii Caroli Magni, cap.* 1. you will find that *Nullus eorum fratris ſui terminos vel regni limites invadere præſumat neque fraudulenter ingredi ad conturbandum regnum ejus vel* Marcas *minuendas.* Du Freſne Gloſſ.

Marchet, (*Marchetum.*) *Conſuetudo pecuniaria in Mancipiorum filiabus maritandis.* Bract. lib. 2. Tit. 1. cap. 8. num. 2. Merchetum *vero pro filia dare non competit libero homini.* Extenta Manerii de Wivenho, 18 Dec. 40 Edw. 3. & alia 13 Edw. 3. Anno Dom. 1230. *Rich. Burr tenet unum Meſuagium. E. debet Tallagium, Sectam Curiæ & Merchet hoc modo, quod ſi maritare voluerit filiam ſuam cum quodam libero homine extra villam, faciet pacem Domini pro maritagio, & ſi eam maritaverit alicui Cuſtumario Villæ, nil dabit pro maritagio.* Merchetum, *hoc eſt, quod Sochemanni & nativi debent ſolvere pro filiabus ſuis corruptis ſive deſloratis* 5 *s.* 4 *d.* Reg. Abbathiæ de Burgo, in Bibl. Cotton. This Cuſtom, with ſome Difference, is in divers Parts of *England* and *Wales*, as alſo in *Scotland*, and in the Iſle of *Guernſey.* See *Spelman* at large on it. By the Cuſtom of the Manor of *Dinevor*, in the County of *Caermarthen*, every Tenant at the Marriage of his Daughter pays Ten Shillings to the Lord, which in the *Britiſh* Language is called *Gwabr-Merched, i. e.* a Maid's Fee. See *Maiden Rents*, and *Gwabr-Merched.* See *Marriage.*

The Cuſtom for the Lord to lie the firſt Night with the Bride of his Tenant was very common in *Scotland*, and in the North Parts of *England:* But it was abrogated by *Malcolme* the Third, at the Inſtance of the Queen; and inſtead thereof a Mark was paid to the Lord by the Bridegroom. From whence 'tis called *Marcheta Mulieris.*

Marchiare, To adjoin or border upon——— *Sex acræ terræ cum prato adjacente ſecundum quod* marchiat *ad pratum Prioris de Brecon.*——Cartular. S. Johannis Brecon. MS. f. 74.

Marculus, A Hammer, a Mallet.—— *Denteſque caninos tanquam* marculo *ferro ſive malleo confringamus.* Girald. Cambrenſ. Apud Whartoni Angl. Sacr. Pars 2. p. 437.

Maremium. See *Maeremium.*

Marethal, *Mareſcallus*, Is a *French* Word, ſignifying as much as *Tribunus militum* with the ancient *Romans*, or τολίμαρχ& with the *Greek*, or ἱππαρχ&. *Trinquel. de nobilitate, cap.* 8. *pag.* 42. *num.* 17. The *French* Word may ſeem alſo to proceed from the German *Marſchalk, i. Equitum magiſter*, which *Hotoman in verbis feudalibus verbo* Marchalkus, derived from the old Word *March*, ſignifying a Horſe. Others make it of the two *Saxon* Words, *Mar, i. equus*, and *Scalch, i. præfectus*; or according to *Verſtegan*, from *Mare*, the general Appellation of all Horſes, (as Horſe is now in *Engliſh*) and *Scale*, which in the ancient *Teutonick*, he affirms, to ſignify a Kind of Servant, as *Scalco* doth at this Day among the *Italians.* With us there be divers Officers of this Name, but one moſt Noble of all the Reſt, who is called *Lord* or *Earl Marſhal of England*, of whom Mention is made in divers Statutes, 1 H. 4. 7 & 14. and 13 *R.* 2. *cap.* 2. His Office conſiſts eſpecially in Matters of War and Arms, as well with us as in other Countries, whereof you may read *Lupanus de magiſtratibus Franciæ, lib.* 1. *cap.* Mareſhallus, and *Tilius, lib.* 2. *cap. de*

Coneſtabili Mariſcallo, &c. The next to this is the *Marſhal* of the King's Houſe, whoſe ſpecial Authority is (according to *Britton*, and *Gwin* in the *Preface to his Readings*) in the King's Place to hear and determine all Pleas of the Crown, and to puniſh Faults committed within the Verge, and to hear and judge of Suits between thoſe of the King's Houſhould, &c. *Cromp. Jur. f.* 192. of him you may read *F. N. B. f.* 241. & 18 *E.* 3 *ſtat.* 2. *c.* 7. and 27 *E.* 3. Stat. 2. *c.* 6. and 2 *H.* 4. 13. and diverſe others. Whoever deſires to know farther of this Officer, and his Duty, may find it in *Fleta*, *lib.* 2. *c.* 4. & 5. There be other inferior Officers of this Name, as *Marſhal* of the Juſtices *in Eyre*, 3 *E.* 1. 19. *Marſhal* of the King's Bench, 5 *E.* 3. *c.* 8. and this hath the Cuſtody of the King's Bench Priſon in *Southwark*. *F. N. B. fol.* 251. And theſe inferior *Marſhals* be either *ad placitum*, or in Fee. *Kitchin*, *fol.* 143. *Fleta* alſo, *lib.* 2. *cap.* 15. mentions a *Marſhal* of the King's Hall, whoſe Office is, when the Tables be prepared, to call out both thoſe of the Houſhould and Strangers, according to their Worth, and decently to place them, &c. There is alſo a *Marſhal* of the Exchequer. 51 *H.* 3. *ſtat.* 15. to whom the Court committeth the Cuſtody of the King's Debtors during the Term-time, for ſecuring the Debts. He alſo aſſigneth Sheriffs, Eſcheators, Cuſtomers, and Collectors, their Auditors, before whom they ſhall account. He hath all Inquiſitions taken before Eſcheators *virtute officii*, delivered unto him, to be re-delivered by him to the Treaſurer's Remembrancer in the Exchequer.

Maretum, (From the Fr. *Maret*, a Fen or Marſh) Marſh-Ground, which the Sea or great Rivers overflow. *Co.* 1 *Inſt. fol.* 5. *a.*

Margidunum, *Dover-Caſtle.*

Mariage, or *Marriage*, *Maritagium*, Signifies not only the lawful Conjunction of Man and Wife, but alſo the Intereſt of beſtowing a Ward or a Widow in *Marriage*. *Magna Charta*, *cap.* 6. and *Bracton*, *lib.* 2. *cap.* 3. And alſo it ſignifies Lands given in *Marriage*. *Bracton*, *lib.* 2. *cap.* 34, 39. And in this Signification the ſame Author ſaith, That *Maritagium eſt aut liberum, aut ſervitio obligatum*, lib. 2. cap. 7. num. 3, 4. *Liberum* maritagium *dicitur, ubi Donator vult quod terra ſic data quieta ſit & libera ab omni ſeculari ſervitio, quod ad Dominum feudi poſſit pertinere, & ita quod ille, cui ſic data fuerit, nullum omnino inde faciat ſervitium uſque ad tertium Hæredem & uſque ad quartum gradum*, &c. See *Skene de verb. ſignif. verb.* Maritagium, which (according to *Glanvil*, *lib.* 7. *cap.* 1.) is that Portion which the Husband receives with his Wife. See *Dower*. *Recipuit* Mariagium *ſuum*. So *Eccleſiam ſancti Nicholai cum adjacente fundo in* Mariagio *conceſſit*. See *Oſwald's Law*, *viz.* Marriage prohibited to Prieſts. *Placita ſub H.* 3. *Will. Maynard qui tenuit terras in Hurſt cognoſcit ſe eſſe Villanum Abbatis de Abingdon, & tenere de eo in Villanagio & per Villanas conſuetudines, viz. per ſervitium* 18 *d. per Annum, & dandi* Maritagium & *marchetum pro filia & ſorore ſua ad voluntatem Abbatis, & faciendo omnes villanas conſuetudines.*

Mariounum, *Caermarthen.*

Marinarius, A Mariner, a Seaman. *Marinariorum Capitaneus*, the Admiral or Warden of the Ports, which Offices were commonly united in the ſame Perſon; the Word *Admiral* not coming into Uſe before the later End of King *Edward* the Firſt, before which Time the King's Letters run thus——— *Rex* Capitaneo Marinariorum & *eiſdem* Marinariis *Salutem*. Paroch. Antiq. pag. 322.

Mariola, A Shrine or Image of the Virgin *Mary*.——— *Hic quoque fere perfecit pulcram* Mariolam *cum pertinentiis*.--Mat. Paris in vitis Abbatum S. Albani.——— *in auſtrali Eccleſiæ parte, juxta nobilem* Mariolam. *Ibid.*

Mariſcus Is a Word uſed in *Domeſday-Book*, and ſignifies *Palus*, or *locus paludoſus*, a marſhy or fenny Ground.

Maritagio amiſſo per defaltam Is a Writ for the Tenant in *Frank-Marriage*, to recover Lands, &c. whereof he is deforced by another. *Reg. fol.* 171.

Maritagio forisfacto Is a Writ. See *Forisfactura maritagii.*

Maritagium, *i. e.* That Portion which is given with a Daughter in Marriage. So *Glanvil*; *In alio modo accipitur dos ſecundum leges Romanas, ſecundum quas proprie appellatur dos, id quod cum muliere datur viro, quod vulgariter dicitur* Maritagium. Lib. 2. c. 18.

Maritagium, or **Marriage**, Strictly taken, is that Right which the Lord of the Fee had to marry the Daughters of his Vaſſals after their Death: Others tell us, it was that Profit which might accrue to the Lord by the *Marriage* of one under Age, who held his Lands of him by Knight's Service. This ſeems plain by the Statute of *Merton*, *cap.* 7. Maritagium *ejus qui infra ætatem eſt de vero jure pertinet ad Dominum feodi.*

Maritagium habere, To have the free Diſpoſal of an Heireſs in Marriage, a Favour granted by the Kings of *England*, while they had the Cuſtody of all Wards or Heirs in Minority.——— *Mandatum eſt Vice-Com. Oxon. quod* habere *faciat W. Com. Sarum*, maritagium *Filii* Richardi de Camvil *genitæ de Euſtachia*——— *ad opus* Willielmi *ſui primogeniti*. Paroch. Antiquit. pag. 182.

Maritima Angliæ, The Emolument ariſing to the King from the Sea, which Sheriffs anciently collected; but was afterwards granted to the Admiral. *Pat.* 8 *Hen.* 3. *m.* 4. Richardus de Lucy *dicitur habere* Maritimam Angliæ.

Mark, (*Merca*, from the Sax. *Mearc*, i. e. *Signum.*) In ancient Time I find a Mark of Gold was eight Ounces. *Stow's Annals*, *pag.* 32. and was valued at 6 *l.* in Silver. *Rot. Mag. Pipæ de Anno* 1 *Hen.* 2. or, as others write, 6 *l.* 13 *s.* 4 *d. Char. Reg. Joh. de dote B. Reginæ* (*quondam ux. R. Richardi.*) *Paten.* 3 *Joh. m.* 17. *n.* 31. *Aſſignavimus ei pro dote ſua mille* marcas *argenti annuatim*, 13 *s.* 4 *d. computatis pro* Marca. See *Marca*. 'Tis incertain when it firſt came fixed to this particular Value. *Matthew Paris* tells us, that it was ſo early as the Year 1194, in the Life of *Guarinus*, Abbot of St. *Alban*. *Skene de verb. ſignif. verb.* Mark, ſaith, That in *Tractatu de ponderibus & menſuris*, a *Mark* ſignifieth an Ounce-Weight, or half a Pound, whereof the Dram is the eighth Part, as the Ounce is the eighth Part of a *Mark*, citing *Caſſaneus de conſuetud. Burg. Rub. prim. ſect.* 7. *verb. Solz Turnoys.* A *Mark* of Silver every Man knows is now Thirteen Shillings and Four Pence.

Market, *Mercatus*, May be derived from the French *Marche*, *i. Emporium*; it ſignifies with us the ſame Thing, and alſo the Liberty or Privilege whereby a Town is enabled to keep a *Market*,

ket. Old. Nat. Brev. fol. 149. So doth *Bracton* uſe it, *lib.* 2. *cap.* 24. *num.* 6. & *lib.* 4. *cap.* 46. where he ſhews, That one *Market* ought to be diſtant from another *Sex Lucas & dimidiam & tertiam partem dimidiæ.* The Reaſon whereof both he and *Fleta* give in theſe Words, *Quia omnes rationabiles dietæ conſtant ex* 20 *milliaribus. Dividatur ergo Dieta in tres partes, prima autem matutina detur euntibus verſus* mercatum, *ſecunda detur ad emendum & vendendum; quæ quidem ſufficere debet omnibus niſi ſint forte* mercatores *ſtatarii, qui merces depoſuerint & expoſuerint venales, quibus neceſſaria erit prolixior mora in* mercatu, *& tertia pars relinquitur redeuntibus de* mercatu *ad propria, &c.* lib. 4. cap. 28. ſect. *Item refert.* By the Statute 27 H. 6. 5. all *Fairs* and *Markets* are forbidden to be kept upon any *Sunday*, or upon the Feaſts of the *Aſcenſion* of our Lord, *Corpus Chriſti*, or the *Aſſumption* of our bleſſed Lady; *All-Saints*, or *Good-Friday*, except for neceſſary Victuals, and in the Time of Harveſt. It was cuſtomary in former Times, that moſt Fairs and *Markets* were kept on *Sundays*; and in many Places they are ſtill kept in the Church-yard. This Cuſtom ſo far obtained, that though it was prohibited by ſeveral Kings, yet we ſee by the Statute before mentioned it continued till the Reign of *Henry* 6. This Cuſtom is mentioned in *Mat. Pariſ. Anno* 1200. *Nundinas vero & Mercata Dominico die interdixit quod omnia quæ diebus Dominicis per Angliam fieri conſueverunt, &c.*

Marketzeld, (*rectius* **Marketgeld**.) *Et valent per an. le* Streteward *& le* Marketzeld, xviii s. *& ob. in omni terra pertinente ad Honorem de* Haulton. *Ex Cod. MS. in Bibl. Cotton.* It ſignifies Toll of the *Market*, the Word *Zeld* importing a Payment. I find it elſewhere written *Markethgald. Plac. apud Ceſtriam*, 31 *Edw.* 3.

Mark-peny, Every Inhabitant at *Maldon*, who had Pipes or Gutters laid out of their Houſes into the Street, paid one Penny. *Hill.* 15 *E.* 1. Mr. *Philips* of *Purveyance.*

Marla durabilior eſt fimo. *Eo quod fimus deſcendendo*, Marla *aſcendendo conſumitur.* Fleta, lib. 2. cap. 76.

Marlborough. See *Cunetio.*

Marle, *Marla*, Is a Kind of Earth or Mineral, which Men in diverſe Counties of this Kingdom caſt upon their Land to make it more fertile: It is alſo called *Malin.* 17 *E.* 4. *cap.* 4.

Marlerium or **Marletum**, A Marle-pit; Mr. *Dugdale* hath an old Deed by him, wherein is mentioned this Word, *Sciant, &c. quod ego Rog. la Zouch, dedi, &c. & quod habeant omnem libertatem, &c. in boſcis, in planis, &c. in* marleriis *& omnibus aliis locis ad prædict. Manerium de Tonge ſpectant. Et quod capiant* marlam *pro voluntate ſua ad terram ſuam* marland', *&c. Reddendo, &c.* And elſewhere we may read Twenty *Acras terræ* Marlatas, that is, *marled* Land.

Marmorius Pannus, *i. e.* Cloth of many Colours. *Tunica de quodam* panno marmoreo *ſpiſſo cum rotis & griſonibus, &c.* Du Cange.

Marque, From the Saxon *Mearc*, *Signum:* We uſe the Word in the ſame Senſe to this Day, when we ſay, Give ſuch a Thing a *Mark* or Sign; but in our antient Statutes it ſignifies as much as *Repriſals*, as *Anno* 4 *H.* 5. *cap.* 7. where *Marque* and *Repriſal* are uſed as *Synonyma*; and *Letters of Marque* are found in the ſame Signification in the ſame Chapter. See *Repriſals*, and ſee alſo *Marches.*

Marquis or **Marqueſs**, *Marchio*, Is now a Title of Honour next before an Earl, and next after a Duke; by the Opinion of *Hotoman*, verb. *Marchio in verbis feudalibus*, the Name is derived from the German *March*, *i. Limes*, ſignifying originally as much as *Cuſtos limitis*, or *Comes & præfectus limitis.* It was an antient Cuſtom among the *Britains*, and after them, of the *Saxons*, to give the Title of *Reguli* to all Lords that had the Charge and Cuſtody of *Marches* and Limits. See *Seldon's Mare Clauſ. lib.* 2. *cap.* 19. From hence it was, that in the Time of *Richard* the Second, came up firſt the Title of *Marqueſſes*, which is a Governour of the *Marches*; for before that Time, thoſe that governed the *Marches*, were called commonly *Lords Marchers*, and not *Marqueſſes*, as Judge *Doderidge* hath obſerved in his *Law of Nobility and Peerage*, under the Title of *Marqueſſes*, *pag.* 31. Marchiones *Walliæ, viz. Rogerus de Mortuo-mari, Jacobus de Audeley, Rogerus de Clifford, Rogerus de Leyburn, Hamo Extraneus & ille de Turbervilla, cum pluribus aliis, qui de bello prædicto de Lewes nuper fugerunt, &c.* Matt. Weſtm. in Anno 1264. pag. 225.

Marra, A Garden-Tool, A How or a Pick. ——*Videres lathomum inuſitatum* maras, *picos; ſculcas bajulantem, terram fodientem, lapides ſcindentem, &c.* Vita Roberti Betun Epiſcopi Hereford. apud Whartoni Angl. Sacr. Pars 2. p. 302.

Marrow Was a Lawyer of great Account in *Henry* the Seventh's Days, whoſe learned Readings are extant, but not in Print. *Lamb. Eirenarch. lib.* 1. *cap.* 10.

Marſhall. See *Mareſhal.*

Marſhalſea, *Mareſcaltia*, Is the Court or Seat of the *Marſhal*, of whom ſee *Cromp. Jur. fol.* 120. It is alſo uſed for the Priſon in *Southwark*; the Reaſon whereof may be, becauſe the *Marſhal* of the King's Houſe was wont perhaps to ſit there in Judgment, or keep his Priſon. See the Stat. 9 *R.* 2. *cap.* 5. and 2 *H.* 4. *cap.* 23. King *Charles* the Firſt erected a Court by Letters Patent under the Great Seal, by the Name of *Curia Hoſpitii Domini Regis, &c.* which takes Cogniſance more at large of all Cauſes than the *Marſhalſea* could; of which the Knight *Marſhal* or his Deputy are Judges.

Marſum, A Word uſed in *Domeſday-Book*, and interpreted by Mr. *Agar* of the Receipt of the Exchequer, to ſignify a Quantity of Coin, *ſed Quære.*

Marternes. See *Furr.*

Martial Law Is the Law of War, depending upon the Pleaſure of the King, or his Lieutenant: For though the King in Time of Peace never makes any Laws, but by common Conſent in Parliament; yet in War he uſeth abſolute Power, inſomuch that his Word is a Law. *Smith de Repub. Anglor. lib.* 2. *cap.* 4. See *Law of Arms.*

Martilagium, For *Martyrilogium.* Monaſt. Tom. 2. pag. 322.

Martyrology, **Martyrologium**, **Martilogium**, A Calendar or Regiſter kept in our Religious Houſes, wherein they ſet down the Donation of their Benefactors, and the Days of their Death, that upon each Anniverſary they might commemorate and pray for them. And therefore ſeveral Benefactors made it a Condition of their Beneficence, to be inſerted in the *Martyrology.*—— So *Iſabel Gargate* required from the Prior and Canons of *Burceſter*, for the Favours done to them

them by her self and Mother. — *Cum de hac vita migraverimus, facient nomina noſtra ſcribi in* Martyrologio *ſuo.* Paroch. Antiq. p. 189. See Mr. *Kennet's Gloſſary.*

Maſagium, Anciently uſed for a Meſſuage. *Et unum* Maſagium *in villa de Maudone, &c.* Pat. 16 Rich. 2. par. 1. m. 30.

Maſſer, A Prieſt.

Maſſere Is an *Engliſh Saxon* Word, and ſignifies a Merchant.

Maſs-Prieſt. Anciently in *England* every Secular Prieſt, in Diſtinction from the Regulars, was called a *Maſs-Prieſt*, who was to Officiate in the *Maſs*, or ordinary Service of the Church. Hence *Meſſe-Preoſt* in many of our *Saxon* Canons for the Parochial Miniſter; who was likewiſe ſometimes called *Meſſe-Theyne*, becauſe the Dignity of a Prieſt in many Caſes was thought equal to that of a *Thein* or Lay-Lord. But when the Times of greater Superſtition came on, the Word *Maſs-Prieſt* was reſtrained to thoſe Stipendiary Creatures, who were retained in Chantries, or at particular Altars to ſay ſo many Maſſes for the Souls of the Deceaſed.

Maſticus, For *Maſticus*, that is, a great Eater: *Non illicito* Maſticus *deleßabatur edulio.* Leges H. 1. cap. 3.

Maſt, *Glans. Glandis nomine continentur glans, caſtanea, fagina, ficus & alia quæque quæ edi & paſci poterunt præter herbam.* Bracton, lib. 4. p. 226. See *Peſſona.*

Maſter of the Armory (*Magiſter Armorum & Armaturæ Regis*) Is he that hath the Care and Overſight of his Majeſty's Arms and *Armory*, and mentioned 39 *El. ca.* 7. His Fee is 200 Marks *per Annum.*

Maſter of the Court of Wards and Liveries Was the Chief Officer of that Court, named and aſſigned by the King; to whoſe Cuſtody, the Seal of the Court was committed, *&c. Anno* 33 *Hen.* 8. *cap.* 33. But this Court, with the Officers and Appurtenances thereof, is aboliſhed by 12 *Car.* 2. *cap.* 24.

Maſter of the Faculties (*Magiſter Facultatum*) Is an Officer under the Archbiſhop of *Canterbury*, who grants Licences, and Diſpenſations; and is mentioned 22 & 23 *Car.* 2. Statute for laying Impoſitions on Proceedings at Law.

Maſter of the Horſe Is he that hath the Rule and Charge of the King's Stable, being an Office of high Account, and always beſtowed upon ſome Nobleman of great Merit, and is mentioned *Anno* 39 *Eliz. cap.* 7. and 1 *Edw. 6. cap.* 5. This Officer, under the Emperors of *Rome*, was called *Comes ſacri Stabuli.*

Maſter of the Jewel Houſe Is an Officer in the King's Houſhold, of great Credit, having Charge of all Plate uſed for the King or Queen's Table, or any great Officer in Court; and of all Plate remaining in the *Tower* of *London*, of Chains and looſe Jewels not fixed to any Garment. *Anno* 39 *Eliz. cap.* 7.

Maſter of the King's Houſhould, (*Magiſter Hoſpitii Regis*) Is otherwiſe called *Grand Maſter of the King's Houſhold*, and is called *Lord Steward of the King's moſt Honourable Houſhold.* Anno 32 Hen. 8. cap. 39. But *Primo Mariæ*, and ever ſince, he is called *Lord Steward of the King's Houſhold*; under whom there is a Principal Officer of the Houſhold, called the *Maſter of the Houſhold*, of great Authority, as well as Antiquity.

Maſter of the King's Buſſers Is a Martial Officer in all Royal Armies, moſt neceſſary as well for maintaining the Forces compleat, well armed, and trained, as alſo for preventing of ſuch Frauds as otherwiſe may exceedingly waſte the *Prince's* Treaſure, and extreamly weaken the Forces, *&c.* mentioned 2 *Edw. 6. cap.* 2. And *Muſter-Maſter-General*, Anno 35 Eliz. cap. 4.

Maſter of the Mint, (*Anno* 2 *Hen. 6. cap.* 14.) Is now called the *Warden of the Mint*, whoſe Office is to receive the Silver of the Goldſmiths, and to pay them for it, and to overſee all the reſt belonging to his Function.

Maſter of the Ordnance (*Anno* 39 *Eliz. cap.* 7.) Is a great Officer, to whoſe Care all the King's *Ordnance* and Artillery is committed.

Maſter of the Poſts Was an Officer of the King's Court, that had the Appointing, Placing, and Diſplacing of all ſuch through *England* as provide *Poſt-Horſes*, for the ſpeedy paſſing of the King's Meſſages, and other Buſineſs, in the thorow-fair Towns where they dwell; as alſo to ſee that they keep a certain Number of convenient Horſes of their own, and when Occaſion is, that they provide others wherewith to furniſh ſuch as have Warrant from him to take *Poſt-Horſes*, either from or to the Seas, or other Borders or Place within this Realm: He likewiſe hath the Care to pay them their Wages, and make them Allowance accordingly as he ſhall think meet: This Officer is mentioned *Anno* 2 *E.* 6. 3. But by a Statute made 12 *Car* 2. *c.* 34. One *General Letter-Office* or *Poſt-Office* is ſettled in *London*, the Maſter of which is appointed by the King by *Letters Patent*, with Rates and Rules preſcribed in the Act for Carriage of *Letters.* But the ſaid Rates and Rules have been ſince altered by Stat. 9 *Ann. cap.* 10.

Maſter of the Rolls (*Magiſter Rotulorum*) Is an Aſſiſtant to the Lord Chancellor of *England* in the High Court of *Chancery*, and in his Abſence heareth Cauſes there, and gives Orders. *Crompt. Jur. fol.* 41. His Title in his Patent is, *Clericus parvæ Bagæ, Cuſtos Rotulorum, & Domus Converſorum*; becauſe the Place where the *Rolls of Chancery* are now kept, was anciently the Habitation of thoſe *Jews*, who were converted to Chriſtianity: But thoſe Converts gave themſelves up to all Senſuality and Wickedneſs, and therefore *Edw.* 3. *Anno regni ſui* 51. ſuppreſſed them, and gave the Houſe for the ſafe Keeping of the *Rolls* of all Patents and Grants which paſs the Great Seal, and the Records of *Chancery.* He is called *Clerk of the Rolls*, *Anno* 12 *Rich.* 2. *cap.* 2. and in *Forteſcue*, *cap.* 24. And no where *Maſter of the Rolls*, untill 11 *Hen.* 7. *cap.* 20. And yet, *cap.* 25. *Ejuſdem*, he is called alſo *Clerk.* In which Reſpect, Sir *Tho. Smith*, *lib.* 2. *cap.* 10. ſays, he may not unfitly be called *Cuſtos Archivorum.* He hath the beſtowing the Office of the Six Clerks, and the Clerks of the Petty-Bag, Examiners of the Court, and the Clerks of the Chapel. *Anno* 14 & 15 *Hen.* 8. *cap.* 1. See *Roll.*

Maſter of the Temple, The Founder of the Order of the *Templars*, and all his Succeſſors, were called *Magni Templi Magiſtri*, and probably from hence he was the Spiritual Guide and Director of the *Temple.* Ever ſince the Diſſolution of that Order, he is called *Maſter of the Temple.*

Master of the Wardrobe (*Magister Garderobæ*) Is a great Officer in Court, who had, till the Fire of *London*, *Anno* 1666. his Habitation belonging to that Office, called the *Wardrobe*, near *Puddle-Wharf* in *London*. He has the Charge and Custody of all former Kings and Queens ancient Robes, remaining in the *Tower*; and all Hangings, Beddings, &c. for the King's Houses. He has also the Charge and Delivery out of all Velvet or Scarlet allowed for Liveries, &c. Of this Officer Mention is made *Anno* 39 *Eliz. cap.* 7.

Masters of the Chancery, *Magistri Cancellariæ*, Are Assistants in *Chancery* to the *Lord Chancellor*, or *Lord Keeper* of the Great Seal, in Matters of Judgment. Of these, there are some *Ordinary*, some *Extraordinary*: Of *Ordinary* there are Twelve (whereof the *Master of the Rolls* is accounted one) whereof some sit in Court every Day in each Term, and have referred to them (at the *Lord Chancellor*'s, *Lord Keeper*'s, or *Master of the Rolls*'s Discretion) Interlocutory Orders, for stating Accounts, computing Damages, and the like; taking of Oaths, Affidavits, and Acknowledgements of Deeds and Recognizances. The *Extraordinary* do act in all the Country Ten Miles from *London*, by taking Recognizances, and Affidavits, Acknowledgment of Deeds, &c. for the Ease of the Subject.

Mastigia, A Rod or Whip. *Indigena cum dorsis* Mastigias, *cervicibus jugum*, &c. *facturos: Gildas de excidio* Britan. Sometimes 'tis taken for a Girdle.

Mastinus, A great Dog, A Mastive. Fr. *Mastin.*—— *Rex præcepit quod expeditatio* mastinorum *fiat, ubicunque feræ suæ pacem habent, vel habere consueverunt.* Assisa Forestæ Itin. 11. Artic. 6.—— *Canes &* Mastini *per omnes Forestas Angliæ occiduntur* Hen. Knyghton, *l.* 2. *c.* 15.

Masura, (Fr. *Masure*) An old decayed House or Wall, the Ruins of a Building.—— *In Burgo fuerunt* 118 Masuræ, *reddebant* 4 l. 2 s. Domesday.

Masura terræ. *Sunt in eisdem* masuris 60 *Domus plus quam ante fuerunt.* Domesday. In Fr. *Masure de terre* is a Quantity of Ground, containing about four Oxgangs; with us it is taken for *Domicilium cum fundo, vel pro fundo cum domicilio competenti.*

Materia, A great Beam, or Timber fit for Building. *Dedi illis* Materiam *& ligna ad omnia necessaria sua, & ad Domos suas ædificandas.* Monast. 1 Tom. pag. 821.

Materiatus, *i. e.* A Carpenter.

Matitunellum, *i. e.* A Breakfast. 'Tis mentioned in a Customary of the *Priory* of *Lewes* in *Sussex*, fol. 18. *Lanceti falcabant pratum domini cum corredio tali, i. e.* with such Provision or Food. *Ad* Matitunellum *pane, ordeo & caseo, ad nonam potagio & duplici companagio, i. e.* A double Quantity of Bread and Eatables.

Matricula, A Register. As in the Ancient Church there was *Matricula Clericorum*, which was a List or Catalogue of the Officiating Clergy: And *Matricula Pauperum*, which was an Account of the Poor to be relieved. Hence to be entred in the Register of the University of *Oxford*, is to be *matriculated*, &c.

Matrimonium Is sometimes taken for the Inheritance which descends to a Man *ex parte Matris*, viz. *Cum omni hæreditate Patrimonii &* Matrimonii *sui*, &c.

Matrina, *i. e.* A Godmother. Sometimes it signifies a Mother-in-Law.

Matrix Ecclesia, The Mother-Church, either a Cathedral Church, in respect of the Parochial within the same Diocese: Or a Parochial Church; in respect of the Chapels depending on it.

Matter in Deed, and Matter of Record, Are said to differ thus: In *Old Nat. Brev. fol.* 19. *Matter in Deed* seems to be nothing else but a Truth to be proved, though not by any Record: And *Matter of Record* is that which may be proved by some Record: For Example, If a Man be sued to an *Exigent*, during the Time that he was in the King's Wars; this is *Matter in Deed*, and not *Matter of Record*: And therefore he that will alledge this for himself, must come before the *Scire facias* for Execution be awarded against him, for after that nothing will serve but *Matter of Record*; that is, some Error in the Process appearing upon Record. *Kitchin, fol.* 216. maketh a Difference between *Matter of Record*, and *a Speciality*, and *nude Matter*; where he saith, That *nude Matter* is not of so high a Nature as either *Matter of Record*, or a *Specialty*, otherwise there called *Matter in Deed*; whereby it seems, That *nude Matter* is a naked Allegation of a Thing done, to be proved only by Witnesses, and not either Record or other Specialty in Writing under Seal.

Maugre Is a Compound of two *French* Words, *Mal* and *Gre*, i. *iniquo animo*; so that it is as much as to say, with an unwilling Mind, or in Despite of another, and so it is used in *Lit. Sect.* 672. Where it is said, That the Husband and Wife shall be remitted, *maugre* the Husband, that is, in Despight, or against the Will of the Husband.

Maum, A soft brittle Stone in some Parts of *Oxfordshire*, which the Inhabitants call *Maum Dr.* Plot's *Nat. Hist. of Oxfordshire, pag.* 69. The *Saxon* Interpreter of *Orosius*, uses the Word *Maalm-stan*, which Mr. *Somner* renders Soft-stone. And in *Northumberland* they still use the Word *Maum* or *Moum*, for soft and mellow.

Maund, A Kind of great Basket or Hamper, containing eight Bales, or two Fats. See the *Book of Rates, fol.* 3.

Maundy Thursday, The *Thursday* before *Easter*, so called from the Fr. *Mande, Sportula*, because on that Day it was a Custom to give larger Bounty to those poor Men whose Feet the King washed.

Maupigynum, An old Sort of Broth or Pottage. *Robertus Agyllon tenet unam carucatam terræ in* Adington *in Com.* Surrei *per serjantiam faciendi unum ferculum in olla lutea in coquina Domini Regis die coronationis suæ, & vocatur* Dilligrout, *& si sit* Segm. (*sagimen*) *in illo ferculo vocatur* Maupigynum. — An. 39 H. 3. Mr. *Blount* of Tenures, p. 1.

Maxims in Law Are Positions and *Theses*, being Conclusions of Reason, and universal Propositions, so sure and perfect, that they may not be impugned or disputed. For *Co. upon Lit.* saith, That *Principia probant, non probantur*, and therefore *contra negantem Principia non est disputandum:* It is another *Maxim*, That *as no Estate can be vested in the King, without Matter of Record, so none can be devested out of him, but by Matter of Record.* For Things are dissolved as they are contracted. *Co. Rep.* 1. *Cholmeye*'s Case. Another, That *an Obligation, or other Matter in Writing, cannot be discharged by an Agreement by Word.* And *Argumentum ab authoritate fortissimum est in Lege.* Co. on Lit. pag. 141. It is also a *Maxim*, That *if a Man have Issue, two Sons by divers Venters, and the one of them* pur-

purchaſe Lands in Fee, and die without Iſſue, the other Brother ſhall never be his Heir, &c. See *Co. on Litt. fol.* 11. 144. And ſee alſo *Doctor and Student.*

Mayor Is the Chief Magiſtrate of a City, and anciently among the *Britains* called *Meyr*, which is derived from the *Britiſh* Word *Miret*; which ſignifies *Cuſtodire*, to keep and preſerve; and not from the Latin *Major*, greater. *Anno* 1189. *Richard* the Firſt changed the Bailiff of *London* into a *Mayor*, and by that Example 1204. King *John* made the Bailiff of *Kings Lyn* a *Mayor*, while *Norwich* obtained not that Title till the Seventh of *Henry* the Fifth 1419. See more of this Word in *Spelm. Gloſſ.*

Mazere, Mazarum, A Drinking-bowl.——— *Ipſe Abbas reliquit——— unum ſalarium argenteum, & picarium argenteum, item quatuor ciphos de* Mazere, *videlicet, duos cum pedibus, &c.* Cartular. Glaſton. MS. fol. 54. a. What this *Mazere* was, of which the Bowls called commonly *Mazers* were made, is not agreed on by Authors. *Somner* thinks it Maple-wood; *Du Freſne* believes it Marrhine-ſtone. I believe it was what we now call Porcellane.

Meale-rents Are certain *Rents* ſtill ſo called, but now paid in *Money*, which heretofore, by ſome Tenants, in the Honour of *Clun*, were paid in *Meal*, to make *Meat* for the Lord's Hounds.

Meals, The Shelves of Sand or Banks on the Sea-Coaſts of *Norfolk*, are called the *Meals* and the *Males*.

Mean, *Medius*, Signifies the Middle between two Extreams, and that either in Time or Dignity. For Example of the Firſt, His Action was *mean* betwixt the Diſſeiſin made to him and his Recovery, that is, in the *Interim*, (or as we uſually ſay, in the *mean* Time.) Of the Second, there is Lord *Mean* or *Meſne*, (mentioned in the Statutes of *Amortiſing Lands*, made *tempore E.* 1.) and *Tenant*. See *Meſne*.

Meaſe, *Meſſuagium*, Seemeth to come from the French *Maiſon*, or rather *Meix*, which Word you read in *Caſſanæus de Conſuet. Burgund. pag.* 1195. and interpreted by him *Manſus*. What *Manſus* is, ſee *Manſion*: It ſignifies a Meſſuage or Dwelling-Houſe. *Kitchin, fol.* 139. and *F. N. B. fol.* 2. *Stat.* Hiberniæ, 14 *H.* 3. and 21 *H.* 8. 13. In ſome Places called corruptly a *Miſe* or *Miſe-place*. See *Miſe*, and *Meſe*, and *Meſuage*.

Meaſne. See *Meſne*.

Meaſon-dieu, In French *Maiſon de dieu, Domus Dei*; A Houſe of God, A Monaſtery, religious Houſe, or Hoſpital; the Word is mentioned 2 & 3 *P. & M. cap.* 23. 39 *Eliz.* 5. and 15 *Car.* 2. 7.

Meaſure, *Menſura*, According to the 25th Chapter of *Mag. Chart.* And the Stat. 17 *Car.* 1. *cap.* 19. All Weights and Meaſures in this Kingdom ought to be the ſame, and according to the King's *Standard*. See 4 *Inſt.* 273. and *Menſura*. See the Stat. 22 *Car.* 2. *cap.* 8. Which *Standard* is called in our Hiſtorians, *Menſura Regalis*, and was always kept in the King's Palace; and all other *Meaſures* were to be made after the ſame Manner, and in every City, Market-Town, and other Villages, it was kept in the Churches.

Meaſurer. See *Alneger.*——— *Alſo that* William Norton, common Meter *of Woollen-Cloth, may be ſworn to occupy his Office of* Meaſurage *truly and indifferently, upon Pain*, &c. Articles exhibited to the Lord Mayor of *London*, &c. by the Commons of the City, *tempore Hen.* 8.

Meaſuring-Money, That certain Letters Patent, whereby ſome Perſon exacted of every Cloth made, certain Money, beſides Alnage, called the *Meaſuring-Money*, may be revoked. *Rot. Parl.* 11 *H.* 4.

Meatæ, *Northumberland.*

Medena, A certain Meaſure or Quantity of Land, but how much *non conſtat*: 'Tis mentioned in *Mon. Angl.* 2 *Tom. pag.* 132.

Mederia, A Mead-Houſe, or Place where Mead or Metheglin was made.—— *Robertus Abbas Glaſtoniæ tempore* Hen. 2. *remiſit ſuis Monachis ceram & mel, quæ de* mederia *percipere ſolebant ejus Anteceſſores.*——— Cartular. Abbat. Glaſton. MS. fol. 29. Hence *Medarius*, the Mead-maker. —— *Salva penſione decem marcarum, quas idem Prior tenetur ſolvere quatuor officialibus Glaſton. videlicet Hoſtiliario, Infirmario, Gardinario, &* Medario. Cartular. Abbat. Glaſton. f. 29.

Medfee, The *Saxon Dictionary* interprets it to be a Bribe or Reward; it alſo ſignifies that Compenſation given in an Exchange, where the Things exchanged are not of equal Value; as in 4 *E.* 3. *Hoc ſcriptum fact.* 20 *die* Decemb. *inter Dominum Hugonem de Courtenay ex parte una &* Rich. Stanlake, & Johannam *uxorem ejus, ex altera parte, teſtatur, quod idem Dominus* Hugo *in excambium——— remiſit, &c.* and at laſt it follows, *Quod ipſi non dabunt* Medfee. See *Aurura.*

Mediæ & infimæ manus homines, *i. e.* Men of a mean and baſe Condition, otherwiſe called Men of low Fortunes: *Et plures* mediæ manus *quos ex juſtis cauſis Rex exhæredaverat. Radulfus de Diceto. Anno* 1112. So, *Duos milites* mediæ manus homines, *&c.* infimæ manus *homo* is a Man of an inferior Condition.

Mediamne, A little Iſland, *i. e.* in the middle of the Water:

> *Dic Rivos, latices, puteos, dic Stagna, paludes;*
> *Amnis jungatur, a quo* Mediamnis *vocitatur.*

Medianus, *i. e.* Of a middle Size, *Medianus homo*, a Man of a middle Fortune; *Medianus Bos*, an Ox of a middle Price.

Mediators of Queſtions, *Anno* 27 *E* 3. *Stat.* 2. *c.* 24. Were ſix Perſons authorized by that Statute, (who upon a *Queſtion* riſen amongſt Merchants touching any unmarketable Wool, or undue Packing) might before the Mayor and Officers of the Staple, upon their Oath certify and ſettle the ſame; to whoſe Order therein the Parties were to live Credence without any Contradiction.

Medietas linguæ Signifies an Enqueſt empanelled, whereof the one Half conſiſts of Natives or Denizens, the other Strangers; and is uſed in Pleas, wherein the one Party is a Stranger, the other a Denizen. See the Stat. 28 *Edw.* 3. *cap.* 13.——27 *ejuſdem, Stat.* 2. *cap.* 8. and 8 *Hen.* 6. *cap.* 29. Before the Firſt of theſe Statutes was made, this was wont to be obtained of the King by Grant made to any Company of Strangers. *Staundf. Pl. Cor. lib.* 3. *cap.* 7. and is called a *Party-Jury. Anno* 14 *Car.* 2. *camp.* 11. *Solomon de Stanford*, a *Jew*, had a Cauſe tried before the Sheriff at *Norwich*, by a Jury of *Sex probos & legales homines & ſex legales Judæos de Civitate Norwici, &c.* Norf. Paſch. 9 Edw. 1. Judæorum Rot. 4 & 5. in dorſo.

Medio Acquietando Is a Writ Judicial, to diſtrain a Lord for the *Acquitting* a *mean* Lord from a Rent which he formerly acknowledged in Court not to belong to him. *Reg. Jud. fol.* 29.

Mediterranean Is that which passeth through the midst of the Earth. And for that Reason the Sea which stretcheth it self from *West* to *East*, dividing *Europe*, *Asia*, and *Africa*, is called *The Mediterranean Sea*; It is mentioned 12 *Car.* 2. in the Statute of *Tonnage*.

Medium Tempus Was of old taken to signify the mean Profits, as *Annum, diem* & medium tempus. See *Flem.*

Medleſe, *Crom. Juſtice of Peace, fol.* 193. Is that which *Bracton* calleth *Medletum*, lib. 3. tract. 2. cap. 35. It signifies Quarrels, scuffling or brawling, and to be derived from the French *Meſler, i. miſcere. Culpa dicitur quam quis inopinate commiſerit non rixando ſolum & pugnando, ſed immiſcendo ſe pacifice rei cuivis vel negotio*, saith *Spelman*. Hence our usual Phrase, *To meddle with other Folks Buſineſs.*

Medleta. *Bracton, lib.* 3. *cap.* 35. *i. e.* A sudden scolding at, and beating one another.

Medſypp, A Harvest-supper, or Entertainment given to the Labourers at Harvest-home.—— *In manerio de* Stiveton *Com.* Berk. *quando Tenentes metunt terras Domini habebunt convivium quod vocatur* Medſypp, & *dabunt Domino unum exhennium de duabus lagenis vini & una Auca*———— Placit. 9 Ed. 1.

Medway. See *Vaga*. It was called *Vaga* by the *Britons*; the *Saxons* added *Med.*

Meer, *Merus*, Though an Adjective, yet is used as a Substantive, to signify *meer Right. Old Nat. Brev. fol.* 2. in these Words. This Writ hath but two Issues, *viz* joining the *Miſe* upon the *Meere*, and that is to put himself in the *Great Aſſiſe* of our Sovereign Lord the King, or to join Battel. See *Miſe.*

Megbote. See *Magbote.*

Meiny, *Menagium*, French *Meſnie*, As the King's *meiny*. 1 *R.* 2. *cap.* 4. That is, the King's Family or Houshold Servants.

Melda, *i. e. Manifeſtatio:* From the Saxon *Melda, i. e. proditor, pecoris ticinium, Camis oppa, & bolan hornum, horum trium ſingulum eſt unum ſolidum valens, & unumquodque reputetur* Melda, *i. e. Manifeſtatio.* Leg. Inæ, cap. 20.

Meld-feoh, The Reward and Recompence due and given to him that made the Discovery of any Breach of penal Laws committed by another. The Promoter or Informer's Fee. See the *Saxon Dictionary.*

Melidæs. See *Tales.*

Melius inquirendo Is a Writ that lieth for a second *Inquiry* of what Lands and Tenements a Man died seised, where partial Dealing was suspected upon the Writ of *Diem clauſit extremum.* Fitz. Nat. Brev. fol. 255.

Memoriæ, Monuments or Sepulchres of the Dead.—— *Qui conveniunt ad vigilias noctis in vigiliis Sanctorum ad eorum Eccleſias vel* memorias *vel ad exequias defunctorum.* Epist. Rob. Grosseteſt apud Append. ad Fasciculum, p. 315.

Memories Are some Kind of Remembrances or Obsequies for the Dead, in Injunctions to the *Clergy.* 1 *E.* 6.

Menagium, A Family: 'Tis mentioned in *Trivet's Chronicle, pag.* 677. and in *Walſingham, pag.* 66. *Fidelitatem & Homagium, ratione terrarum quas in regno noſtro tenebant & etiam ratione* menagii, *&c. vobis reddimus, &c.*

Mendum In old Charters signifies Damage, *ſi fecerit aliquid unde* mendum *exire debeat, &c.* Du Cange.

Menials, As *menial Servants*, (a Derivative from *Mœnia*, signifying the Walls of a House, or other Place,) are Houshold-Servants, that is, such as live within the Walls of their Master's House, mentioned in the Stat. 2 *H.* 4. 21.

Mensa, By this Word is comprehended all that Patrimony, or Goods and Necessaries for our Livelihood; *Dominicum eſt proprie terra ad* menſam *aſſignata.*

Mensalia Were such Parsonages or Spiritual Livings as were united to the Tables of Religious Houses, and were called *Menſal Benefices* amongst the Canonists. And in this Sense it is taken when we read of Appropriations *ad Menſam ſuam.*

Mensis vetitus,—— *Habuit in prædicto boſco centum capras cum ſua ſecta per totum annum tam in* menſe vetito *quam alio tempore, &c.* Pla. Parl. 18 E. 1. See *Fench-moneth.*

Mensura, In a legal Sense is taken for a Bushel, as *Menſura Bladi*, a Bushel of Corn. So in the *Regiſter* of the *Priory of Cokesford*, it is used to the same Purpose, *viz. Prior habet* mensuras *tam aridorum quam liquidorum ſignatas ſigno Domini Regis, & quod nullus debet vendere nec emere in foro niſi per eas.*

Mensura Regalis, The King's *Standard-meaſure*, kept in the *Exchequer*, according to which all others are to be made. See 17 *Car.* 1. *cap.* 19. Vide *Meaſure.*

Mer or Mere: Words which begin or end with those Syllables, signify fenny Places.

Mera noctis, Midnight.—— Herlewinus *Abbas Glaſton. ſacro unguine delibatus in* mera noctis *diem clauſit extremum.* Cartular. Abbat. Glaston. MS. fol. 10.

Mercandiſa, All Goods and Wares exposed to Sale in Fairs or Markets--*In omnibus burgis & villatis noſtris & etiam in ſingulis Nundinis &* Mercatis *noſtris libere valeant emere & vendere omnes* Mercandiſas *abſq; ullo theloneto ſeu ſtallagio.* Paroch. Antiq. pag. 311. And therefore the Word *Mercator* was not restrained, as it seems now to be, to *Merchants* or Traffickers in Foreign Commodities, but extended to all Sorts of Traders, or Buyers and Sellers. ——*Omnes homines &* Mercatores *honoris de* Walingford.—— *ibid. p.* 113. And therefore if the *Scotch* call their very Pedlars *Merchants*, they keep the primitive Use of the Word.

Mercerius, A Mercer.—— *Conceſſi & confirmavi* Thomæ de Brandon *Civi &* Mercerio London, *tenementum, &c.* 28 Edw. 3.—— Munimenta Coll. SS. Trinit. de Pontefracto MS. fol. 27.

Mercennarius, A Hireling, a Servant.—— *Ego & hæredes mei & libera familia mea ad capellam de Aſcote oblationes deferemus*; Mercennarii *vero & Tenentes mei de Aſcote & famuli eorum adibunt ipſam capellam.* Cartular. Abbat. Glaston. MS. f. 115.

Merchenlage Is one of those three Laws out of which the *Conqueror* framed our *Common Laws* with a Mixture of the Laws of *Normandy*, and was the Law of the *Mercians*, when they governed the third Part of this Realm. For *Cambden* in his *Britannia, pag.* 94. *&c.* saith, that in the Year 1016. this Land was divided into three Parts, whereof the *West Saxons* had one, governing it by the Law called *West-Saxonlage.* and that contained these nine Shires, *Kent, Suſſex, Surrey, Berkſhire, Hampſhire, Wiltſhire, Somerſet, Dorſet*, and *Devon* Shires. The Second by the *Danes*, which was ruled by the Laws called *Danelage*, and that contained these Fifteen Shires, *York, Derby,*

Derby, Nottingham, Leiceſter, Lincoln, Northampton, Bedford, Buckingham, Hertford, Eſſex, Middleſex, Norfolk, Suffolk, Cambridge, and *Huntingdon.* The Third was poſſeſſed and governed by the *Mercians,* whoſe Law was called *Merchenlage,* and held theſe Eight, *Gloceſter, Worceſter, Hereford, Warwick, Oxford, Cheſter, Salop,* and *Stafford.* Out of theſe three (which relate not at all to a *different Law, Cuſtom, or Uſage,* but to *ſeveral* Sorts of *Amerciaments, Mulcts,* and *Fines,* for the Tranſgreſſion of one and the ſame Law,) as we ſaid, with ſome Additions, was framed that which we now call, *The Common Law of* England.

Merchet, Merchetum, A Fine or Compoſition paid by inferior Tenants, to the Lord, for Liberty to diſpoſe their Daughters in Marriage. No Baron, or military Tenant could marry his ſole Daughter and Heir, without ſuch Leave purchaſed from the King, *pro Maritanda Filia.* And many of our ſervile Tenants could neither ſend their Sons to School, nor give their Daughters in Marriage, without expreſs Licenſe from the ſuperior Lord. See Mr. *Kennet's Gloſſary* in *Maritagium.* See *Marchet.*

Mercia Is uſed in many Places in the *Monaſtic.* for Amerciament.

Mercimoniatus Angliæ Was of old Time uſed for the Impoſt of *England* upon Merchandiſe.

Mercy, *Miſericordia,* Signifies the Arbitrament or Diſcretion of the King, Lord or Judge, in puniſhing any Offence, not directly cenſured by the Law: As to be in the *grievous Mercy* of the King. 11 *H.* 6. 6. is to be in Hazard of a great Penalty. See *Miſericordia.*

Merennium, Merannum, Merremium, Mereremium, Maeremium, Fr. *la Merrien,* and *Marren,* Any Timber or Materials of Wood for Building. ——*In* Marenno *empto apud Curtlyngton cum carriagio ejuſdem pro colliſtrigio apud Dadyngton de novo faciendo.*—— Paroch. Antiq. p. 557. *Vetus Merennum* was the refuſe Wood, or old Pieces of Timber and Boards left among the Rubbiſh, after Building, or Repairing, or pulling down of Houſes.

Merſum, A Lake, from the Saxon *Mere, Lacus: Maneria, Molendina,* Merſca, & *Mariſca.* Ingulph. p. 861.

Merſe-Ware, (Sax. *Incolæ Paludum*) So the Inhabitants of *Romney-Marſh* in *Kent* were anciently called.

Merſoxes. *i. e.* Divers. *Matt. Pariſ. An.* 1191. *Tandem a Regis Richardi* merſoribus *ipſam ſubtus aquam invadentibus, &c.*

Mertlage Seems to be a Corruption of, or a Law-*French* Word for Martyrology. *Vide Hill.* 9 *Hen.* 7. *fol.* 14. *b.* For it being asked what was meant by *Mertlage,* the Book ſays, *Ceo eſt Kalender Univerſal in l'Egliſe de c'eſt Realm, lex queux Prieſts ſont lies d'obſerve & ne pluis.* A Church-Kalendar or Rubric.

Meſchin. See *Miſchinus.*

Meſe (from the Greek Μίσον, i. e. *Medium,* Lat. *Aleſtigium,*) of Herrings is five Hundred, the *Half* of a Thouſand. See *Meaſe.*

Meſkeninga. See *Miskenning.*

Mein or **Meain,** *Medius.* May be deduced from the French *Maiſne, i. minor natu,* and ſignifies him that is Lord of a Manor, and ſo hath Tenants holding of him; yet himſelf holds of a ſuperior Lord, and therefore not abſurdly drawn from the French *Maiſne,* becauſe his Tenure is inferior and *minor* to that of which he holds.

Meſne Alſo ſignifies a Writ, which lieth where there is *Lord, Meſne,* and *Tenant.* The *Tenant* holdeth of the *Meſne* by the ſame Services, whereby the *Meſne* holdeth of the *Lord*; and the *Tenant* of the *Meſne* is diſtrained by the ſuperior *Lord,* for that his Service or Rent which is due to the *Meſne. Fitz. Nat. Brev. fol.* 135. 13 *E.* 1. *cap.* 9.

Meſnalty, *Medietas,* Cometh of *Meſne,* and ſignifies nothing but the Right of the *Meſne,* as the *Meſnalty* is extinct. *Old Nat. Brev. fol* 44. if the *Meſnalty* deſcend of the Tenant. *Kitchin, fol.* 147. For farther Underſtanding whereof, take theſe Words out of the *Cuſtumary* of *Normandy, Medietate tenentur feuda, quando aliqua perſona intervenerit Dominum & tenentes; Et hoc modo tenent omnes Poſtnati, mediante ante-nati.*

Meſſarius, From *Meſſe,* is the chief Servant in Husbandry, now called a Bailiff in ſome Places, whoſe Office is to look into the Grounds to ſee that no Damage is done. We read it in the *Monaſtic.* 2 *Tom.* 832. *conceſſit, &c. fratribus in Bereford habere ſuum proprium imparcum &* Meſſarium, *&c.*

Meſſarius Alſo ſignifies a Mower or Harveſter. *Fleta, lib.* 2. *cap.* 75.

Meſſenger of the Exchequer Is an Officer in that Court, of which there are four, who as *Purſuivants* attend the *Lord Treaſurer,* to carry his Letters and Precepts. See *Purſuivant.*

Meſſe Thane Signifies a Prieſt. The *Saxons* called every Man *Thane,* who was above the common Rank; ſo *Meſſe Thane* was he who ſaid Maſs; and *Worules Thane,* was a ſecular Man of Quality.

Meſſewegen, *i. e.* Presbyter.

Meſſina, Reaping Time, Harveſt.—— *Et quælibet hida terræ debet in Autumno tres preces ad* Meſſinam *cum octo hominibus ad cibum Domini, & debent cariare quod metunt ſine cibo.* Cartular. Abbat. Glaſton. MS. f. 40.

Meſſuage, *Meſſuagium,* Is properly a Dwelling-Houſe, with ſome adjacent Land aſſigned to the Uſe thereof. *Weſt, part* 2. *Symb. Tit.* Fines, *Sect.* 26. *Bract. lib.* 5. *cap.* 28. and *Plowden, fol.* 169, 170. Where it is ſaid, That by the Name of a *Meſſuage* may paſs alſo a Curtilage, a Garden, and Orchard, a Dove-Houſe, a Shop, a Mill, a Cottage, a Toft, a Chamber, a Cellar, *&c.* yet may they be demanded by their ſingle Names. *Meſſuagium* in *Scotland,* ſignifies the principal Place or Dwelling-Houſe within a Barony, which we call a *Manor-Houſe. Skene de verbo. ſignif. verb.* Meſſuagium; In ſome Places it is called the *Site of a Manor.* A *Præcipe* lies not *de domo,* but *de meſſuagio.* Coke on Littl. cap. 8.

Meſtilo, Meſline, or rather *Meſcellane,* That is, Wheat and Rye mingled together.—— *Et nonam garbam frumenti,* meſtilonis, *ſiliginis & omnis generis bladi.* Pat. 1 E. 3. par. 1. m. 6.

So **Meſtilun.**—— *Duas acras conceſſi de dominico meo ejuſdem manerii, ſcil. unam acram de frumento & alteram de* Meſtilun. Cartular. Abbat. Rading. MS. fol. 59. a.

Metecorn, A Meaſure or Portion of Corn, given out by the Lord to ſome cuſtomary Tenants, as a Reward and Encouragement for their Duties of Work and Labour. *Stipendia &* Metecorn,

corn, *ac cætera debita servitia in monasterio prædicto solvantur.* Ryley's Plac. Parl. f. 391.

Mettgavel, *Cibi gablum seu vectigal*, A Rent paid in Victuals, a Thing usual of old, as well with the King's Tenants as others, till *Henry* the First changed it into Money. *Taylor's Hist. of Gavelkind, pag.* 118.

Methegiin, A Kind of Drink made of Water, Herbs, Spice and Honey boiled together: 'Twas an old *British* Drink, and still continues from *Wales*, in Repute in *England*, and mentioned in the Act for Excise. 15 *Car.* 2. 9.

Mett, A Measure, most likely a Gallon: *Mettys*, Measures.—— *Nos* Henricus Burgh *Prior Elien. & Conv.*—— *concessimus* Johanni Downham *Capellano*—— *septimanatim septem panes monachales*, ——*& septimanatim septem* Mettys *optimæ cerevisiæ* —*Dat. ult. Mart.* 1466.—— Cartular. Elien. MS. fol. 88.

Metteshep, Mettesher, Mettesrep, Some Rent or Acknowledgment paid in a certain Measure of Corn; for which an Equivalent was sometimes paid in Money. It seems to have been commonly a Fine or Penalty imposed on the Tenant, for his Default in not doing his customary Service of cutting the Lord's Corn. As in the Manor of *Pidington*, Com. *Oxon.*—— *Quælibet virgata solvet per annum quinque solidos, quatuor dies de consuetudine, videlicet, unum diem ad pratum Domini falcandum, ad cibum Domini, vel domino dabit quadraginta denarios pro* Metteshep. Paroch. Antiq. p. 495.

Meya, A Mow of Corn laid up in the Barn. ——*cariabunt bladum per unum diem cum una carecta & invenient unum hominem per unum diem ad faciendum* Meyas *in grangia.* Blunt of Tenures, pag. 130. See *Mullones Fœni.* And to this Day in some Parts of *England*, they say, *Mey* the Corn, *i. e.* put it on an Heap in the Barn.

Micha, The same with *Michis*, a little white Loaf: *Capiant de prædicto priore pro qualibet waia Cirporum tres albos panes vocatos* Michis. *Du Cange.*

Micel-Gemotes, Micel-Synods, The great Councils in the *Saxon* Times, of King and Noblemen, were called *Wittena-Gemotes*, and after *Micel-Synods*, and *Micel-Gemotes*, *i. e.* Great and General Assemblies.

Michis, A Sort of white Loaves, paid as Rent in some Manors. *Una Micha*, one white Loaf. *Reg. de Felley in Com. Nott.*

Midthrina, *i. e.* With three: From the Saxon *Mid*, with, and *Trina*, three. *Si aliquis accusetur quod paverit eum qui pacem Domini nostri fregerit, Ladiet se* midthrina 12. *i. e.* with three Times 12. *Leg. Ethelred at Wantage, cap.* 15.

Milderum Are a Kind of Canvas, whereof Sail-Cloths, or other Furniture for Ships, are made, *Anno* 1 *Jac. cap.* 24.

Mile, *Miliare*, Is the Distance of one Thousand Paces, otherwise eight Furlongs, every Furlong to contain forty Lugs or Poles, and every Lug or Pole sixteen Foot and a Half. 35 *Eliz.* 6.

Miles. See *Knight.*

Militare, *i. e.* To be Knighted, *viz. Rex per Angliam fecit proclamari, &c. ut qui haberent unde militarent adessent apud Westmonasterium, &c.* Mat. Westm. pag. 118.

Militia, The Furniture and Habiliments for War. 12 *Car.* 2. *cap.* 2.

Militia. *In* Militia *approbatus*, One who twice or oftner approved himself in *Military Services*: 'Tis found in *Jeoffrey* of *Monmouth*, *lib.* 4. *cap.* 4.

Milleate, (*Anno* 7 *Jac. cap.* 19.) A Trench to convey Water to or from a Mill: *Rectius*, a *Milleat.* An usual Word in Conveyances in *Devonshire.*

Mina, A Corn-mete or Measure of different Quantity, according to the Things measured by it. *John de Westerham*, Prior of *Rochester* about the Year 1320. gives this Account of it—— *Mensura ad frumentum, & ad bladum, & ad pisa quæ alio nomine* Mina *vacantur, continet* 5 *Eskippas de duro blado, & istæ* 4 minæ *cum gata quæ dicitur Gundulfi faciunt* 3 *sumas*—— *unde* mina *& gata faciunt* 3 *quarteria.* Mina *ad grutdunt recipiendum continet* 7 *Eskippas*; Mina *ad brasium continet* 3 *eskippas de duro blado.* Mina *ad farinam in pristino continet largiter* 7 *Eskippas & debet mensurari sicut sal & radi.* Hence *Minagium*, *Minage*, was a Toll or Duty paid for selling Corn by this Measure of *Mines.*

Minare, To mine, or dig Mines. *Minator*, a Miner—— *Petunt Archiepiscopi, Episcopi, & Clerus Angliæ, ut Dominus Rex non sustineat* Minatores, *suos de stanno, plumbo, vel ferro* minare *vel evertere terras Ecclesiæ, &c.* Annal. Burton. sub Anno 1236. pag. 291. Minera, Mineria, Minerator,—— *Juratores dicunt quod in principio quando* Mineratores *veniunt in campum* mineriam *quarentes, inventa* minera *venient ad Ballivum*—— *Placita debent teneri super* minerias *in Pecco.* 16 Ed. 1.

Minator Carucæ, A Ploughman. In the Table of Wages due to Servants and Labourers—— *In hieme* Minatores carucarum, *ventator, Subcarrectarius, quilibet eorum recipit* xvi *denarios.* Compotus Domus de Farendon. MS. f. 32.

Mineral Courts, *Curiæ Minerales*, Are peculiar Courts for regulating the Concerns of *Lead-Mines*, as *Stannary Courts* are for *Tin.*

Minuments, or **Muniments**, (*Munimenta*, from *munio*, to defend) Are the Evidences or Writings, whereby a Man is enabled to defend the Title of his Estate. 5 *R.* 2. 8. and 35 *H.* 6. 37. *Wangford* says, This Word *Miniment* includes all Manner of Evidence. See *Muniment.*

Ministri Regis Extend to the Judges of the Realm, as well as to those that have *Ministerial* Offices. *Co.* 2. *Inst. fol.* 208.

Minever. See *Furr.*

Minor, One in Nonage, Minority, or under Age: More properly an Heir Male or Female, before they come to the Age of 21; during which Minority, their Actions are invalid, &c. Yet a Minor may present, as Patron, to an Ecclesiastical Benefice.

Minors, Minorites, The *Franciscan* Friars, so called by the Rules of their Order. *Nullus vocetur Prior, sed generaliter omnes vocentur Fratres* Minores, *& alter alterius lavet pedes*—— Ex Regulis S. Francisci, cap. 6.—— *Sub his diebus Prædicatores qui appellati sunt* Minores, *sæviente Innocentio Papa, emergentes terram repleverunt.* Mat. West. sub Anno 1207.

Minovery, 7 *R.* 2. 4. Seemeth to be compounded of two *French* Words, *Main*, *i. Manus*, and *Ouvrer*, *i. operari*, and signifies some Trespass or Offence committed by a Man's Handy-work in the Forest, as an Engine to catch Deer: *Britton* uses the Word *Mainoverer*, to occupy and manure Land. *cap.* 40. and *cap.* 62. *Mainovre* for Handy-work. Our *English* Word *Manure* hath a great Similitude with it.

Minſtrel, (*Minſtrellus* & *Meneſtrallus*, from the French *Meneſtrier*,) A Muſician, a Fidler or Piper; mentioned 4 *Hen.* 4. *cap.* 27 *Pat.* 24 *April*, 9 *Ed.* 4. *Quod Mariſcalli* & Minſtrelli *prædicti per ſe forent & eſſe deberent unum Corpus & una Communitas perpetua*, &c. Upon a *Quo Warranto*, 14 Hen. 7. *Laurentius Dominus de Dutton clamat, quod omnes* Minſtrelli *infra Civitatem Ceſtriæ & infra Ceſtriam manentes, vel officia ibidem exercentes, debent convenire coram ipſo vel Seneſcallo Juo apud Ceſtriam, ad Feſtum Nativitatis S. Johannis Baptiſtæ annuatim, & dabunt ſibi ad dictum Feſtum quatuor* Lagenas *vini & unam Lanceam; & inſuper quilibet eorum dabit ei quatuor denarios & unum obolum ad dictum Feſtum, & habere de qualibet* Meretrice *infra Comitatum Ceſtriæ, & infra Ceſtriam manente, & Officium ſuum exercente, quatuor Denarios per annum ad Feſtum prædictum*, &c. And where by the Statute of 39 *Eliz. cap.* 4. Fidlers are declared to be Rogues, yet there is a *Proviſo* therein, exempting thoſe in *Cheſhire* licenſed by *Dutton* of *Dutton*. The Muſicians of *England*, incorporated by King *Charles* 2. *Anno* 1670. V. *Clauſ.* 9 *Edw.* 2. *M.* 26. *Dorſo*, an Ordinance *ſuper menſuratione ferculorum* & Meneſtrallorum.

It was uſual for theſe *Minſtrels*, not only to divert Princes, and the Nobility, with Sports, but alſo with Muſical Inſtruments, and with flattering Songs, in the Praiſe of them and their Anceſtors, which may be ſeen in theſe Verſes:

Principis a facie, cytharæ celeberrimus arte
Aſſurgit mimus, ars Muſica quem decoravit,
Hic ergo chordæ reſonante ſubintulit iſta:
Inclite Rex Regum, probitatis ſtemmate vernans,
Quem vigor & virtus extollit in æthera famæ,
Indole virtutis qui vincis facta parentis.
Major ut Atrides, patrem Neptunius Heros
Ægea, Pelides excedit Pelea, Jaſon
Eſona, nec prolem pudor eſt evincere patrem;
Corde gigas, agnus facie, Laertius aſtu,
Conſilio Neſtor, &c.

The Office and Power of the King of the *Minſtrels*, is mentioned in the *Monaſtic.* 1 *Tom. pag.* 355.

Mint Is the Place where the King's Coin is formed, be it Gold or Silver, which is at preſent, and long hath been the *Tower of London*, though it appear by divers Statutes, that in ancient Times the *Mint* hath been alſo at *Calais*, 12 *R.* 2. 16. 9 *H.* 5. *Stat.* 5. *cap.* 5. The Officers belonging to the *Mint* have not always been alike: At preſent they are theſe, *The Warden*, who is the Chief of the Reſt, and is by his Office to receive the Silver of the Goldſmiths, and to pay them for it, and to over-ſee all the Reſt belonging to this Function: His Fee is a Hundred Pounds *per Annum*. *The Maſter-worker*, who receiveth the Silver from the Warden, cauſeth it to be melted, and delivereth it to the Moniers, and taketh it from them again when it is made; His Allowance is not any ſet Fee, but according to the Pound-Weight. The Third is *The Controller*, who is to ſee that the Money be made to the juſt Aſſize, to over-ſee the Officers, and control them, if the Money be not as it ought to be; his Fee is a Hundred Marks *per Annum*. Then is *The Maſter of Aſſay*, who weigheth the Silver, and ſeeth whether it be according to the Standard; his yearly Fee is likewiſe a Hundred Marks: Then is *The Auditor* to take the Accounts. *The Surveyor of the Melting*, who is to ſee the Silver caſt out, and not be altered after it is delivered to the *Melter*, which is after the *Aſſay-Maſter* hath made Trial of it. *The Clerk of the Irons*, who ſeeth that the Irons be clean, and fit to work with. *The Graver*, who graveth the Stamps for the Money. *The Melters*, that melt the Bullion before it comes to the Coining. *The Blanchers*, who do anneal, boil and cleanſe the Money. *The Porters*, who keep the Gate of the *Mint*. *The Provoſt of the Mint*, who is to provide for all the Moniers, and to over-ſee them. Laſtly, *The Moniers*, who are ſome to ſhear the Money, ſome to forge it, others to beat it broad; ſome to round it, and ſome to ſtamp or coin it. Their Wages are uncertain, according to the Weight of Money coined by them.

Minere, To let Blood. *Minutio*, Blood-letting. This was a common old Practice among the Regulars, and the Secular Prieſts or Canons, who were the moſt confined and ſedentary Men. In the Regiſter of Statutes and Cuſtoms belonging to the Cathedral Church of St. *Paul's* in *London*, collected by *Ralph Baldock*, Dean about the Year 1300. there is one expreſs Chapter *De Minutione. Minuendi licentiam petant Reſidentes a Decano*—— *debent notificare* minutiones *ſuas illis qui tabulam ſcribunt*——— *poſt petitam licentiam* minuendi *ad locum opportunum extra civitatem ſe transferre licitum eſt, ut obſervent* minutionem *in aere gratiori ſanitatis cauſa.*— MS.

Minute Tithes, *Minutæ ſive minores Decimæ*, Small *Tithes*, ſuch as uſually belong to the Vicar, as of Wool, Lambs, Pigs, Butter, Cheeſe, Herbs, Seeds, Eggs, Honey, Wax, &c. See 2 *par. Inſt. fol.* 649. and *Udal* and *Tindal's* Caſe, *Hill.* 22 *Jac.* Where the *Tithe* of Wood was adjudged *Minuta Decima. Cro. Rep. fol.* 21. See *Tithes.*

Miracula, A ſuperſtitious Sport or Play, practiſed by the popiſh Clergy for Gain and Deceit: Prohibited by Biſhop *Groſthead* in the Dioceſe of *Lincoln.*——— *Faciunt etiam, ut audivimus, Clerici ludos quos vocant* Miracula, & *alios ludos quos vocant Inductionem Maii.*——— Miracula *etiam & ludos ſupra nominatos & ſcotales omnino exterminetis*——— Rob. Groſthead, Epiſcopi Line. Epiſtola apud Append. ad Faſciculum, pag. 382.

Mirgus for **Mergus**, A Water-Spaniel, or Diver. *Fecit duos veteres, ſcilicet*, Mirgos *ſuſpendi.* Mat. Pariſ. Anno 1214.

Mis: This Syllable added to another Word, ſignifies ſome Fault or Defect; as, *Miſpriſion*, *Miſdicere*, *i. e.* to ſcandalize any one; *Miſdocere*, *i. e.* to teach amiſs. *Si Presbyter populum ſuum miſdoceat.*

Miſa, A Compact or Agreement, a Form of Peace or Compromiſe.——— *Quouſque pax inter Dominum Regem & Barones apud Lewes per formam cujuſdam* Miſæ *prælocuta compleretur.*——— Pat. 48 H. 3. *in* Brady's Hiſt. Engl. Append. pag. 238.

Miſaventure or **Miſadventure**, *Infortunium*, Has in Law a ſpecial Signification for the Killing of a Man, partly by Negligence, and partly by Chance. As if one thinking no Harm, careleſly throws a Stone, or ſhooteth an Arrow, &c. wherewith he killeth another: In this Caſe he commits not Felony, but only loſeth his Goods, and hath Pardon of Courſe for his Life. *Staund. Pl.*

Pl. Cor. lib. 1. *cap.* 8. *Britton, cap.* 7. distinguisheth between *Aventure* and *Misaventure: Aventure* he maketh to be meer Chance; as if a Man being upon or near the Water, be taken with some sudden Sickness, and so fall in and is drowned, or into the Fire, and be burned to death. *Misadventure* he maketh, where a Man cometh to his Death by some untoward Violence, as the Fall of a Tree, or of a Gate, the Running of a Cart-wheel, the Stroke of a Horse, or such like: So that *Misaventure* in *Staundford's* Opinion is construed somewhat more largely than *Britton* understandeth it. *West. Symbol. part* 2. *Tit.* Inditement. *Sect.* 48. makes *Homicide casual*, to be *merely casual* or *mixt. Homicide* by meer Chance he defineth *Sect.* 49. to be, when a Man is slain by meer Fortune, against the Mind of the Killer; as if one hewing, the Ax flieth off the Haft, and killeth a Man, and this is all one with *Britton's Misaventure*; *Homicide by chance mixed* he defineth *Sect.* 50. to be, when the Killer's Ignorance or Negligence is joined with the Chance; as if a Man lop Trees by the Highway-side, by which many usually travel, and cast down a Bough, not giving Warning, *&c.* by which a Man passing by is slain.

Misbota for **Mæbota.** *In Leg. Canuti, cap.* 2.

Mischinus, *i. e.* a Youth or young Man: 'Tis mentioned in the *Mon. Angl.* 1 *Tom. p.* 74. *Ex dono Alani de percy le* meschin; and in 2 *Tom. p.* 86. *Willielmus Peverellus le mechin.*

Miscognisant, Ignorant, or not knowing. In the Stat. 32 *H.* 8. *cap.* 9. against *Champerty* and Maintenance, *It is Ordained, That the Justices of Assise shall twice every Year, in every County, cause open Proclamation to be made of this present Act, to the Intent no Person should be ignorant or* miscognisant *of the Dangers and Penalties therein contained.*

Miscontinuance, *Kitchin, fol.* 231. Is the same with Discontinuance. See *Discontinuance.*

Mise, *Misa,* Is a *French* Word, signifying as much as *Expensum* in *Latin*, and the *Latin* Word *Misa* is used in *Kitchin, fol.* 144. and *West. Symbol. part* 2. Tit. *Proceedings in Chancery. Sect.* 21. This Word has divers Significations, as first, it is a Gift or customary Present which the People of *Wales* give to every new King or Prince of *Wales*, at their Entrance into that Principality. It was formerly given in Cattel, but when that Dominion was annexed to the *English* Crown, the Gift was changed into Money, and that is now 5000 *l.* or more, which happened to be thrice paid in King *James* his Reign. First at his own Coming to the Crown, and that Principality. Secondly, When Prince *Henry* was created *Prince of Wales.* And thirdly, When King *Charles the First* succeeded him in that Principality. Misæ *etiam dicuntur præstationes illæ quas ob fruendas pristinas immunitates Cestriæ Palatinatus subditi novo cuique Comiti impendunt*, that is, 3000 Marks for that County. And at *Chester* they have a *Mize-Book*, wherein every Town and Village in the County is rated what to pay towards the *Mize.* By 27 *H.* 8. It is ordained, That *Lord-Mayors shall have all such* Mises *and Profits of their Lands as they have had in Times past, &c.* See 2 *&* 3 *E.* 6. 36. 33 *H.* 8. 13. 4 *&* 5 *P. & M. cap.* 11. Sometimes *Mises* are taken for Taxes or Taillages. *Anno* 25 *E.* 1. 5. Sometimes for *Costs and Expences*, as *pro* misis *& custagiis*, for Costs and Charges, ordinarily used in the Entries of Judgments in personal Actions. *Mise* is also *vocabulum artis*, appropriated to a *Writ of Right* so called, because both Parties have put themselves upon the meer Right to be tried by the *Grand Assise*, or by *Battel.* So as that which in all other Actions is called an *Issue*, in a *Writ of Right* is called a *Mise*, unless a collateral Point be tried, and there it is called an *Issue. Co.* on *Lit. fol.* 294. *Lit. fol.* 102. and *Old Nat. Brev. fol.* 2. 37 *E.* 3. 16. *To join the* Mise *upon the Meer*, is as much as to say, to join the *Mise* upon the clear Right; and that in more plain Terms, is nothing else but to join upon this Point, whether hath the more Right, the Tenant or Demandant. *Lit. lib.* 3. *cap.* 8. *fol.* 101. This Word is also sometimes used for a Participle, signifying as much as *cast out or put upon. Co.* 6. *Rep. fol.* 124. *Saffin's* Case. And sometimes corruptly for *Mease*, a Messuage or Tenement, as a *Mise-place* in some Manors is taken to be such a Messuage or Tenement as answers the Lord a Heriot at the Death of its Owner, 2 *Inst. fol.* 285. which in our Law *French* is written *Mees. Ceste Endenture temoigne que come Will. Terrye de Dounham tiegne de Johan. de Veer Coonte d'Oxenford un* Mees *& sys acres de terre, &c.* Dat. 14 Ed. 3. penes Wil. Andrew, *Baronet.*

Miselli, *i. e. Leprous Persons.* In Matt. Paris. Anno 1254. *Ecclesia Sancti Juliani ubi* Miselli, *& Ecclesia Sanctæ Mariæ in pratis ubi* Miselliæ *vix habent vitæ necessaria.*

Mise-money, Money given by way of Contract or Composition to purchase any Library, *&c.* ——*Custumarii infra honorem de Clun Com.* Salop, *Domino hæreditatem ineunti solvunt certam pecuniæ summam quæ vocatur* Mise-money, *ut quieti sint de finibus & amerciamentis.* Mr. *Blount* of Tenures. *p.* 162.

Miserabatio, An unjust Accusation.

Miserere Is the Name, and first Word of the 51 *Psalm*, being most commonly that which the Ordinary gives to such guilty Malefactors as have the Benefit of Clergy allowed them by the Law, and is usually called the *Psalm of Mercy.*

Misericordia Is in Law used for an Arbitrary Amerciament imposed on any for an Offence; for where the Plaintiff or Defendant in any Action is amerced, the Entry is *Ideo in* Misericordia. *Bracton, lib.* 4. *tract.* 5. *cap.* 6. hath these Words, *Item si quis in* Misericordiam *inciderit pro disseisina, non remanebit* misericordia *exigenda si ille qui amiserit, quæsiverit convictionem.* Kitchin, *fol.* 78. out of *Glanvil*, saith thus, *Est autem* misericordia *Domini Regis qua quis per juramentum legalium hominum de vicineto eatenus amerciandus est ne aliquid de suo honorabili contenemento amitttat.* See *Glanvile, lib.* 9. *cap.* 11. *Fitzherbert* says in his *Nat. Brev. fol.* 75. That it is called *Misericordia*, because it ought to be very moderate, and rather less than the Offence, according to the Tenor of *Magna Charta, c.* 14. Therefore if a Man be unreasonably amerced in a Court not of Record, as in a *Court-Baron, &c.* there is a Writ called *Moderata Misericordia*, directed to the Lord, or his Bailiff, commanding them that they take moderate Amerciaments, according to the Quality of the Fault. Sometimes *Misericordia* is to be quit and discharged of all manner of Amerciaments that a Man may fall into in the Forest. See *Cromp. Jur. f.* 196. Vide *Amerciament, Mercy*, and *Moderata misericordia*, *He shall be in the great* Mercy *of the King.* Westm. 1. cap. 15.

Miſericordia *in cibis & potu*, Exceedings, or Over-commons, or any gratuitous Portion of Meat and Drink given to the Religious above their ordinary Allowance. ——— *Hic quoque procuravit —— ut deteſtabiles ingurgitationes* miſericordiarum (*in quibus profecto non erat* miſericordia) *prohiberentur.* Mat. Par. Vit. Abb. S. Albani, *pag.* 71. In ſome Convents they had a ſtated Allowance of theſe Over-commons upon Extraordinary Days, which were called *Miſericordiæ Regulares*, as——— *In minutionibus vero &* miſericordiis regularibus *duo & duo unam juſtam de cellario tam ad prandium quam. ad cœnam.* ——— Monaſt. Angl. Tom. 1. pag 149. *b.*

Miſericordia Communis Is when a Fine is ſet on the whole County or Hundred. *Mon. Angl.* 1 *Tom. pag.* 976. *Ac de murdro ac de* communi Miſericordia *quando contigerit, videlicet, Comitatus & Hundredi, coram nobis vel aliquibus Juſticiariis noſtris, &c.*

Miſevenire, *i. e.* To ſucceed ill; as, where a Man is accuſed of a Crime, and fails in his Defence or Purgation. *Et ſi compellatio ſit & in emendando* miſeveniat, *ſit in Epiſcopi poteſtat.* Lex Canut. 78. apud Brompton.

Misfeasance, Miſdeeds or Treſpaſſes, ——— *Jury to enquire of all Purpreſtures and* Misfeaſance. *Cro. Car. f.* 498. and *Misfeaſor*, a Treſpaſſer. *Co.* 2. *Inſt. f.* 200.

Misherung. *Eſt de eſtre quit de amerciemenz pur quereles en aucun Courts devant qui que il ſeyt, nent ordinament ou proprement demonſtre.* MS. LL. Temp. E. 2. See *Abiſherſing* and *Miskering.*

Miskenning, (*Meskenninga*, from *Mis*, and Sax. *Cennan*, *citare*, *LL.* Hen. 1. cap. 12.) Iniqua vel injuſta in jus vocatio; inconſtanter loqui in Curia, vel invariare. *Renovamus etiam & confirmamus Privilegia antiquorum Regum, atque ob reverentiam Dominæ noſtræ perpetuæ Virginis Mariæ Sanctique Benedicti, Sanctarumque Virginum, omnibuſque futuris ibidem Abbatibus in tota poſſeſſione Monaſterii,* Sacham & Socham *Theloneumque ſuum in terra & in aqua concedo, & Conſuetudines, ut ab omnibus apertius & plenius intelligantur, Anglice ſcriptas, ſcilicet,* Mundbriche, Feardwite, Fitwite, Blodewite, Miskeninge, Frithſoke, Hamſockne, Forſtall, Forphange, Theifphange, Hangwite, Frithbriche, Utlepe, Infongenthefe, Supbriche, Tol & Tem, *aliaſque omnes leges & Conſuetudines quæ ad me pertinent, tam plene & tam libere, ſicut eas in manu mea habebam.* Confirm. Fundationis Monaſt. de Ramſey per S. Edw. Conf. *Mon. Angl.* 1 *par. fol.* 237. *Et in Civitate in nullo placito* Miskennagium. ——— Charta H. 2. Civibus *London.* See *Folcmote.*

Miskering. *Hoc eſt quietus eſſe pro querelis coram quibuſcunque in tranſumptione probata.* MS. LL. Rob. Cot. p. 262. See *Miſhering.*

Misnomer. Compounded of the French *Mes*, which, in Compoſition, always ſignifies *amiſs*, and *nomer*, i. *nominare*, it ſignifies the uſing of one Name for another, or Miſterming. See *Broke*, Tit. *Miſnomer.*

Misprision, *Miſpriſio*, Cometh of the French *Meſpris*, *contemptus*, and ſignifies in our Law, Neglect or Overſight. As for Example, *Miſpriſion of Treaſon or Felony*, is a Neglect or light Account ſhewed of Treaſon or Felony committed, by not revealing it, when we know it to be committed. *Staundf. Pl. Cor. lib.* 1. *cap.* 19. Or by letting any Perſon committed for Treaſon or Felony, or Suſpicion of either, to go before he be indicted. *Miſpriſion of Clerks*, 8 Hen. 6. 15. is a Neglect of Clerks in writing, or keeping Records: By the *Miſpriſion of Clerks* no Proceſs ſhall be annulled or diſcontinued. 14 *E.* 3. *cap.* 6. *Stat.* 8. *Miſpriſion of Treaſon* is the Concealment, or not diſcloſing of known Treaſon, for which the Offenders are to ſuffer Impriſonment during the King's Pleaſure, loſe their Goods, and the Profits of their Lands during their Lives. *Cromp. Juſtice of Peace*, cap. *Miſpriſion of Felony*, *fol.* 40. *Weſt. Symbol. part* 2. Tit. *Indictments*, ſect. 63. *in fine. Miſpriſion of Felony* is only finable by the Juſtices, before whom the Party is attainted. *Cromp. ibid.* The Juſtices of the Common Pleas have Power to aſſeſs *Fines* and Amerciaments upon Perſons offending by *Miſpriſions*, Contempts or Neglects for not doing or miſdoing any Thing in or concerning *Fines. Weſt, Symbol.* part 2. Tit. *Fines*, *Sect.* 133. *Juſtices of Aſſiſe* ſhall amend the Defaults of Clerks *miſpriſing* of a Syllable, or Letter, or Writing. *Cromp. Jur. f.* 20. But here we are to obſerve, That other Faults may be accounted *Miſpriſions of Treaſon or Felony*, becauſe ſome later Statutes have inflicted that Puniſhment upon them, that of old were inflicted upon *Miſpriſions*, whereof you have an Example *Anno* 14 *El. cap.* 3. Of ſuch as coin Foreign Coins, not current in this Realm, and of their Procurers, Aiders and Abetters. *Miſpriſion* alſo ſignifies a Miſtaking. 14 *E.* 3. *Stat.* 1. *c.* 6. Here note, That *Miſpriſion* is included in every Treaſon or Felony; and where any Man hath committed Treaſon or Felony, the King may cauſe him to be indicted and arraigned of *Miſpriſion* only, if he pleaſe. See more hereof. *Staundf. lib.* 1. *cap.* 39. *Vide etiam* 3 *Inſt. fol.* 36. & 139.

Miſſæ Presbyter, *i. e.* a Prieſt in Orders.

Miſſal, *Miſſale*, Is a Book containing all Things to be daily ſaid in the *Maſs*, Lindw. *Provincial* lib. 3. Tit. *De Eccleſiis ædificandis*, cap. 2. *Parochiani Eccleſiarum tenentur invenire rei divinæ ſupellectilem*, viz. *Antiphoriarium, Gradale, Pſalterium*, Miſſale, *Manuale*, &c. See *Spelman's Gloſſary.*

Missaticus, A Meſſenger. ——— *Quando* Miſſatici *Regis veniebant ibi*, (i. e. *ad Dover*) *dabant pro caballo tranſducendo tres denarios in hyeme, & duos in æſtate.* Lib. Domeſday in Chenth.

Misses. See *Miſe.*

Missura, Singing the *Nunc Dimittis*, and performing the many other ſuperſtitious Ceremonies to recommend and diſmiſs a dying Perſon. In the Statutes of the Church of *Pauls* in *London*, collected by *Ralph Baldock*, Dean about the Year 1295. in the Chapter *de Frateria*, of the Fraternity or Brotherhood, who were obliged to a mutual Communication of all religious Offices, it is ordained ——— *Ut fiat commendatio & miſſura & ſepultura omnibus Sociis coadunantibus & aſtantibus* ——— Liber Statut. Eccleſiæ Paulinæ, *MS.* Penes Joh. Epiſcopum Norwic. *f.* 25.

Missurium, **Missorium**, A Diſh or Platter for ſerving up Meat to a Table; whence a *Meſſe* or Diſh, or Portion of any Diet. ——— King *Ethelbert* gave to the Abbey of St. *Auguſtine* in *Canterbury* ——— Miſſurium *argenteum, ſcapton aureum, iterum ſellam cum fræno aureo & gemmis exornatam.* Chron. Tho. Thorn. p. 1762. & Mon. Angl. Tom. 1. pag. 24. *Sirmondus* is of Opinion, that from hence the Word *Meſſe* is derived; but *Voſſius* tells us, 'tis *quia dono mitti ſoleat a principibus.*

Miſterium for **Miniſterium**. *Mon. Angl.* 3 *Tom. pag.* 102.

Miſtrial, A falſe or erroneous Trial. *Cro. Car. f.* 284. *Delve's* Caſe.

Miſuſer Is an Abuſe of Liberty or Benefit; as *he ſhall make fine for his* Miſuſer. *Old Nat. Brev. f.* 149.

Mitred Abbots, Thoſe Governors of religious Houſes, who had obtained from the See of *Rome* the Privilege of wearing the Mitre, Ring, Gloves, and Croſier of a Biſhop. It has been a vulgar Error, that theſe *Mitred Abbots* were all the ſame with thoſe conventual Prelates, who were ſummoned to Parliament, as Spiritual Lords; whereas ſome of thoſe ſummoned to Parliament were not *Mitred*: And ſome of the *Mitred* were not ſummoned. The Summons to Parliament not any way depending on their *Mitres*, but upon receiving their Temporals from the King.

Mitta Was an ancient *Saxon* Meaſure, in uſe before the Conqueſt; its Quantity does not certainly appear; ſome hold it to be the ſame with *Corus*, others with *Modius*, and others, that it was *Menſura decem Modiorum. In Wich, ſalina redd.* 30 mittas ſalis. *Domeſday*, Tit. *Wirec. ſcire. Ego* Wulfrun, (*uxor* Anketelli,) *Singulis annis vitæ meæ ad Feſtum S.* Benedicti, *quod eſt in æſtate, decem* mittas *de braſio & quinque de gruto, & quinque* mittas *farinæ tritici & 8 pernas, & 16 caſeos & duas vaccas pingues de terra mea* Hicheling *pro reſpectu annuo eidem Eccleſiæ*, (Rameſienſi) *procurari decerno.* Lib. Rameſ. Sect. 38. *Præterea conceſſi eis ſeptem* Mittas Salis *quolibet Anno percipiendas apud* Wiz. Mon. Angl. 2 Par. f. 262. b.

But *Mitta*, or *Mitcha*, was not only a Sort of Meaſure for Salt and Corn, but rather the Place where *Caldrons* were put to boil Salt. *Calderias quoque ad Sal conficiendum cum propriis ſedibus, (i. e.* the Places where they were put) *quæ vulgo* mitchæ *vocantur.* In the *Monaſtic.* it ſeems to be a Meaſure, *viz. Dedi Canonicis redditus 20 ſolidorum, &c. Et ſeptem* mittas *ſalis, &c.* And in *Domeſday*, viz. *Reddebat Vicecomes 2* mittas *ſalis.* Gale's Hiſt. Brit. *fol.* 767.

Mittendo manuſcriptum pedis finis Is a Writ Judicial, directed to the Treaſurer and Chamberlains of the Exchequer, to ſearch and tranſmit the Foot of a *Fine* acknowledged before *Juſtices in Eyre*, into the *Common Pleas, &c.* Reg. Orig. *f.* 14.

Mittimus Is a Writ by which Records are transferred from one Court to another: Sometimes immediately, as appears by the Statute, 5 *R.* 2. *cap.* 15. As out of the King's Bench into the Exchequer, and ſometimes by a *Certiorari* into the Chancery, and from thence by a *Mittimus* into another Court, as you may ſee in 28 *H.* 8. *Dyer, fol.* 29. and 29 *H.* 8. *Dyer, fol.* 32. This Word is alſo uſed for the Precept that is directed by a Juſtice of Peace to a Gaoler, for the receiving and ſafe keeping a Felon, or other Offender, by him committed to the Gaol. Of diverſe other Uſes and Applications of this Word, ſee *Reg. Orig.* in the *Table.*

Mixt Tithes, *Decimæ mixtæ*, Are thoſe of Cheeſe, Milk, &c. and of the young of Beaſts, *Co.* 2. *par. Inſt. f.* 649. See *Tithe.*

Mixtilio, *Meſtilo*, Mixt-Corn, Mang-Corn, Maſline.——*Libera Eleemoſynario noſtro ſex quarteria bladi* mixtilionis *inter pauperes Parochianos de Bolton Percy diſtribuenda* ——*Anno* 1312. Collectanea *Matth. Hutton*, S. T. P. ex Regiſtris Eccl. Eborac.

Mixtum: This Word is often mentioned in our *Monkiſh* Hiſtorians; it ſometimes ſignifies a Breakfaſt, but always a certain Quantity of Bread and Wine: *Qui miſſam majorem celebraverit duos, Lector vero & ſervitores unum duplum ad* Mixtum *recipiat.* Du Cange.

Mockadoes, A Kind of Stuff made in *England*, and elſewhere, concerning which ſee 23 *Eliz. cap.* 9.

Moderata miſericordia Is a Writ for him that is amerced in a *Court-Baron*, or other, being not of Record, for any Trangreſſion or Offence beyond the Quality of a Fault. It is directed to the Lord of the Court, or his Bailiff, commanding them to take a *moderate Amerciament* of the Party, and is founded upon *Magna Charta*, c. 14. *Quod nullus liber homo amercietur niſi ſecundum qualitatem delicti, &c.* The reſt touching this Writ, ſee in *F. N. B. fol.* 75. See *Miſericordia.*

Modiatio Was a certain Duty paid for every Tierce of Wine: *Concedo eis in perpetuam Eleemoſynam tres maſuras terræ quietas de omni cenſu, conſuetudine & alia re, excepta ſola* Modiatione *mea de vino.* So in *Mon. Angl. Tom.* 2. *p.* 994. *Reddendo ſine contradictione ſex modios de* Modiatione *Waeneio*; where the Word *Modius* ſignifies a liquid Meaſure of ſixteen Quarts.

Modius; We take it uſually to ſignify a Buſhel, and it is a Meaſure, but various according to the Cuſtom of ſeveral Countries, in ſome Places containing more, in ſome Places leſs.

Modius terræ vel agri —— *Sciendum eſt quod dedit Ilias pedum quatuor* Modiorum *agri circa ſe cum omni cenſu ſuo Eccleſiæ Landaviæ, &c.* 3 *Mon. fol.* 200. This word was much uſed in the ancient Charters of the *Britiſh* Kings, and probably contained the ſame Quantity of Ground as with the *Romans, viz.* 100 Foot long, and as many broad. *Modius Vini*, a Hogſhead of Wine.

Modius villæ, Donatio A Rthmail Regis Gwentiæ Landavenſi Eccleſiæ circa *Annum* 896. *Largitus eſt, &c. Villam Lann-Mihargel Lichvit cum tertia parte prati*——*Et* 4. Modios *Villæ ſtifilat.* MS. Cod. Landaven. f. 102. col. 2.

Modo & Forma Are Words of Art in Proceſs and Pleadings, and namely, in the Anſwer of the Defendant, whereby he denieth himſelf to have done the Thing laid to his Charge, *modo & forma declarata.* Kitchin, *f.* 232 It ſignifies as much as that Clauſe in the Civil Law, *Negat allegata, prout allegantur, eſſe vera.* Where *modo & forma* are of the Subſtance of the Iſſue, and were but Words of Courſe, ſee *Co.* on *Lit. f.* 281.

Modus Decimandi Is when either Land, a Sum of Money, or yearly Penſion is given to the Parſon, &c. by Compoſition, or Cuſtom, as Satisfaction for his Tithes in Kind. See 2 *Inſt. fol.* 490.

Moer: It is a *Daniſh* Word, ſignifying a *Virgin* or *Maiden*; the People of *Norfolk* in ſome Meaſure retain the Word to this Day. The Occaſion of their firſt uſing it was this; *Norfolk* (which among other *Engliſh* Counties, was given by King *Alfred* to the *Danes*, *Anno* 876.) was totally inhabited by them, and their Cuſtoms, Laws, and Speech there uſed. Now they call Virgins and young Maids *Moer*, and accordingly (as *Olaus Wormius* teſtifies, *Faſt. Dan. lib.* 1. *cap.* 6.) they named ſuch as were excellent Singers of the worthy

thy Deeds of their Heroes, *Scaldmoer*, id eſt, *Virgines cantatrices*; and thoſe that by Valour won Reputation, *Scioldmoer*, that is, *Scutiferas Virgines*, by which Name they alſo ſignify the *Amazons*: But this, I confeſs, by the ignorant Ruſticks is corrupted, they pronouncing inſtead of *Moer*, a Virgin, *Mother*, a Word well known to be of a different Nature.

Moiety, *Medietas*, Cometh of the French *Moitie*, i. *coæqua vel media pars*, and ſignifies the Half of any Thing. *Lit. f.* 125.

Molaria. ——*Et una* Molaria, *ubi moleſodiunt.* Domeſday.

Molaſſes, or **Melaſſes**, (*Ital.* Melazzo, i. e. *Sacchari ſpuma*,) *Anno* 12 *Car.* 2. *cap.* 25. ſignifies the Lees or refuſe Syrup in the boiling of Sugar; with which (by the ſaid Statute) Wine is prohibited to be mingled or adulterated.

Molendinum Bladonicum, *A Corn-mill.* Ancient Charters have it *Molendinum bladum* and *molendinum de blado.* So *a Fulling-mill* hath ſeveral *Latin* Appellations, as *Molendinum fullonicum*, Molend. *fullanicum*, Molend. *fullere*, Molend. *fullarium*, &c. A Wind-mill, *Molendinum ad ventum*, *vel ventriticum.* A Water-mill, *Molendinum aquaticum.* A Horſe-mill, *Molendinum equitium.* A Grinding or Grieſt-mill, *Molendinum molare.* We read alſo for a Mill, *Molinum* and *Molinus*, *Domeſday*, Tit. *Sudſex. Terra Comitis Rogeri*, num. 11. *Caſtrum Harundel.* T. R. E. *reddebat de quodam* Molino 40s. *& ibidem alibi* T. R. E. *reddebat Oxenford,*—— *Comiti vero Algaro* 10 *libras adjuncto* molino *quem infra civitatem habebat.*

Molendum, Corn ſent to Mill, a Griſt. ——, *Solvent nomine decimarum* molendini *ſex modios, alias ſex ſtryk bladi prout* molendum *obvenerit eidem molendino.* ——Chartular. Abbat. de Rading. *MS. fol.* 116.

Molitura, Mulitura, Multura. It ſometimes ſignified a Griſt, or Sack of Corn brought to the Mill to be ground: But it was more commonly taken for the Toll or *Molture* paid for grinding. So *Wido de Meriton* in his Charter to the Knights Templar, for the Mill in *Merton* Com. *Oxon*—— *Conceſſerunt mihi Fratres unam libertatem ad ſuum molendinum, ſcilicet, molendini ſegetem pro* multura *reddenda pro ſegete quæ eſt in tremuta, & meum braſium ſine multura.* Paroch. Antiq. *p.* 120. Molitura *libera*, Free grinding, or Liberty of a Mill, without paying Toll, a Privilege which the Lord generally reſerved to his own Family ——*Salva mihi & hæredibus meis* molitura libera *familiæ noſtræ quieta in dicto molendino* —— ibid. pag. 236. This Toll for grinding was ſometime called *Molta*, Fr. *Moulte.*

Molman, According to *Spelman*, ſignifies the Servants of a Monaſtery. *Fideles Eccleſiarum Miniſteriales*, *Prior Lewens.* pag. 16. *Item omnis* Molman *inveniet equum, ſi habuerit, ad portandum corrodium Prioris*, &c. And again, *pag.* 21. *Omnis* Lanceta, *omnis* Toftman, *& omnis* Molman, (*qui non ſedet ſuper* Ogeland) *debent ſpargere unam* reiam de fiens, &c.

Molmaria. *Et inveniet Maerenium*, Molmaria *& les* Winding-yards *pro reparatione dicti Molendini.* Carta 16 *H.* 6.

Molmutan or Molmutin Laws. The *Laws* of *Dunwallo Molmutius*, Sixteenth King of the *Britains*, (who began his Reign 444 Years before Chriſt) was famous in the Land, till *William* the Conq. *Uſher's* Primord. 126. He was the firſt that publiſhed Laws in *Britany*, and theſe *Laws* with thoſe of Queen *Mercia*, were turned into *Latin* by *Guildas* out of the *Britiſh* Tongue.

Molneda, Mulneda, A Mill-Pool, or Pond *Gilbert Baſſet*, in his Foundation-Charter to the Priory of *Burceſter*, gave *Quoddam pratunculum quod vocatur Hamma, quod extenditur de croſta* Serice *de* Wrachmic *per la* Mulnedum *uſque illuc ubi novus rivulus aſcendit in veterem rivulum, & ipſam* mulnedam *ad faciendum ibi molendinum.* Parochial Antiquities, *p.* 135.

Molta, *i. e.* the Duty or Toll paid to the Lord by his Vaſſals, to grind Corn at his Mills. *Concedo ſancto Amando* moltam *ſuam &* moltam *ſimiliter omnium Civium St. Amandi.* Monaſtic. 2 Tom. *p.* 97.

Moltura, the ſame with *Molta.*

Mommyng, Anno 1400. *Quidam milites in die Epiphaniæ coram Rege haſtiludia pacifica vocata le* Mommyng, *pacem tamen odientes, fecerunt publice proclamari, ut ſic cum manu forti caſtrum irruentes, Regem incautum poſſent proditorie trucidare.* Hiſt. Croyland. Contin. *pag.* 495. Whence it appears that *Mommying* was a Sort of Mock-fight, from the Teutonic *Mummen*, to mimic, or to act a ludicrous Part. This military Sport is now turned into the Diverſions of Peace and Plenty at *Chriſtmas*, when ſome Antick Fellows in Diſguiſe go round the Neighbourhood to ſing and dance, and get Money or good Chear. Theſe Mimicks are called *Mummers*, and their Acting is ſtill called *Mummyng*, or *Mumming.*

Moneta Is uſed for Money in *Domeſday*, *viz.* Tit. *Wirceſtre Burgenſes plures habuit & pro* 15 *hidis ſe defendit quando* Moneta *vertebatur*, (i. e. *mutabatur*) *quiſque monetarius dabat* 20s. *ad London pro cuneis monetæ accipiendis.* See *Siclus.*

Monetagium, Mintage, the Right and Propriety of coining or minting Money.

Money, *Moneta*, *Pecunia*, Is that Metal, be it Gold or Silver, that receives an Authority by the Prince's *Impreſa* to be current: For as Wax is not a Seal without Print, ſo Metal is not *Money* without Impreſſion. *Co.* on *Lit. pag.* 207.

Monetagium, Was a certain Sum of Money paid every third Year by the Tenant to the Lord, that he ſhould not change the Money which he had coined; for it was lawful formerly for great Men to coin Money, (but not of Silver or Gold) which was current in their Territories. This was abrogated by *Hen.* 1. *cap.* 1. *Monetagium commune quod capiebatur in civitatibus & comitatibus, quod non fuit tempore Edwardi Regis, hoc ne amodo fiat omnino defendo.*

Monger Seems to be a little Sea-Veſſel which Fiſhermen uſe. *Anno* 13 *Eliz. cap.* 11. When the Word ends in *Monger*, as *Ironmonger*, *Woodmonger*, it ſignifies Merchant, from the Saxon *Manger*, *Mercator.*

Monetæ, or **Monepoze**, *Monetarii*, Are Miniſters of the Mint, which make and coin the King's *Money. Reg. Orig. fol.* 262. and 1 *E.* 6. 15 It appears in ancient Authors, That the Kings of *England* had Mints in ſeveral Counties of this Realm; and in the *Tractate* in the *Exchequer*, written by *Ockham*, I find, that whereas Sheriffs were uſually obliged to pay into the King's Exchequer the King's Sterling *Money*, for ſuch Debts as they were to anſwer; they of *Cumberland* and *Northumberland* were admitted to pay in any Sort of *Money*, ſo it were Silver: And the Reaſon is there given, becauſe thoſe two Shires *Monetarios de antiqua inſtitutione non habent--quod Ab-*

bas

bus & monachi prædicti habeant unum Monetarium *& unum Cuneum apud Rading ad monetam ibidem, tam ad obolos & Sterlingos quam ad Sterlingos prout moris eſt fabricand. & faciend.* Memorand. Scacc. de Anno 20 Edw. 3. inter Record. de Trin. Rot. Of later Days the Title of *Moniers* hath been given to *Bankers*, that is, ſuch as make it their Trade to deal in *Monies* upon Returns.

Monk, From the *Greek* Μόνος, *ſolus*, becauſe the firſt *Monks* lived alone in the Wilderneſs, and not in Cities. In *Latin* they were called *Unales*, for the ſame Reaſon affirmed. They were divided into three Ranks: *Cœnobitarum, i. e.* A Society living in Common under the Government of a ſingle Perſon: Theſe were under certain Rules, and were afterwards called *Regulars*. *Anachoretæ*, or *Eremitæ*, were thoſe who lived in the Wilderneſs upon ſtale Bread and Water. St. *Jerome* tells us that of theſe, *Paulus fuit Auctor, Antonius illuſtrator, Johannes Baptiſta princeps:* But *Scaliger* was of Opinion, that *Paul* was the Firſt. *Sarabaitæ* were Monks who lived under no Rule, but wandered in the World.

Monks Cloth, A certain Kind of coarſe Cloth, mentioned 20 H. 6. 20.

Monopoly May not improperly be derived from the *Greek* Μόνος *Solus*, and πωλέω *Vendo*, which ſignifies to ſell alone, and ſo is a Privilege of the King (as ſome interpret it) by his Grant, Commiſſion, or otherwiſe, to any Perſon or Perſons, of or for the ſole buying, ſelling, making, working, or uſing any Thing, whereby any Perſon or Perſons are reſtrained of any Freedom or Liberty that they had before, declared againſt Law, by 21 *Jac. c.* 3. except in ſome particular Caſes, concerning which ſee 3 *Inſt. fol* 181. All *Monopolies* againſt *Magna Charta*, &c. *Co.* 2 *par. Inſt. cap.* 29. So then all Incloſing is a *Monopoly*, which is poſitively contradicted in *More's Rep. fol.* 675. *Darcy* and *Allen's* Caſe, becauſe any Grant made by the King *pro bono Publico* is not a *Monopoly*. See *Grotius de jure belli & pacis* 233.

Monſter, *Monſtrum*, A *Monſter* born within lawful Matrimony, that hath not human Shape, cannot purchaſe, much leſs detain any Thing; but if he have human Shape, he may be Heir, though he have ſome Deformity in any Part of his Body.

Monſtrans de droit Is as much as to ſay, The *ſhewing of Right*; in a legal Senſe it denotes a Writ iſſuing out of Chancery, for the Subject to be reſtored to Lands and Tenements, which he ſhews to be his Right, though by Office found to be in the Poſſeſſion of another lately dead; by which Office the King is entituled to a Chattel, Freehold or Inheritance in the ſaid Lands. And this *Monſtrans de droit* is given by the Statutes 34 *E.* 3. *cap.* 14. and 36 *E.* 3. 13. See *Staund. Prærog. cap.* 21. and *Broke, Tit.* Petition, and *Co.* 4 *Rep. fol.* 54. *Caſe of the Wardens and Commonalty of* Sadlers.

Monſtrans de faits ou Records, *Shewing of Deeds or Records is thus*, Upon an Action of Debt brought upon an Obligation, after the Plaintiff hath declared, he ought to ſhew his Obligation; and ſo it is of *Records*. And the Difference between *Monſtrans de fait* and *Oyer de faits*, is this; He that pleads the Deed or *Records*, or declares upon it, ought to *ſhew* the ſame; and the other, againſt whom ſuch Deed or *Record* is pleaded, may demand *Oyer* of the ſame.

Monſtraverunt Is a Writ that lies for the Tenants in *ancient Demeſne*, being diſtrained for the Payment of any Toll or Impoſition, contrary to their Liberty which they do or ſhould enjoy. See more in *F. N. B. fol.* 14.

Monſtrum Is ſometimes taken for the Box in which Relicks are kept. *Item unum* Monſtrum *cum oſſibus St. Petri, &c.* Monaſt. 3 Tom. pag. 173.

Monſtrum Is alſo taken for what we call corruptly *muſtering* Soldiers, *viz. Aſſignavimus vos, &c. ad arraiandum & triandum homines ad arma & ad* Monſtrum *ſive Monſtrationem eorundem.* Du Cange.

Month or **Moneth**, *Menſis*, In Saxon *Monath*, is a Space of Time, containing by the Week 28 Days, by the *Calendar* ſometimes 30, ſometimes 31. See *Co. lib.* 6. *fol.* 61. and *Kalendar-Month.* Some have derived it from μὴν, *menſis*, and that from μήνη, *Luna*, but we ſuppoſe more truly from the German *Mon* or *Man*, one of their antique Deities and Kings, mentioned by *Tacitus*; *Ex hoc*, ſays the learned *Spelman*, *maſculino* (*ut Hebræi*) *Lunam dicunt genere*, Der Mon, *dominamque ejus & antiſtiam e cujus aſpectu alias languet, alias reſtipiſcit*, Die ſon *quaſi hunc Lunam, hanc ſolem. Hinc & Idolum Lunæ viri fingebant ſpecie*; *non ut* Verſtegan *opinatur, faminæ, ex quo & veſtem miram ad genua vix dimiſſam.*

Moors. The Lord's Bailiffs in the *Iſle of Man*, who ſummon the Courts for the ſeveral *Sheadings*, are called *Moors*, and every *Moor* has the like Office with our Bailiff of the Hundred. See Mr. *King's Deſcription of the Iſle of Man.*

Moot, Mota, *Curia, placitum, conventus*, From the Saxon *Gemote*, *conventus*, which may be deduced from the Saxon *Motian*, *placitare*. It is a Term well underſtood in the Inns of Court, to be that Exerciſe or Arguing of Caſes, which young Students perform at appointed Times, the better to enable them for Practice and Defence of Clients Cauſes. The Place where *Moot-Caſes* were argued, was anciently called a *Moot-Hall*. In the Inns of Courts there is a *Bailiff or Surveyor of the Moots* yearly choſen by the *Bench*, to appoint the *Mootmen* for the Inns of Chancery, and to keep Account of Performance of Exerciſes both there, and in the Houſe. See *Orig. Judiciales, fol.* 212.

Moota Canum, A Pack of Dogs.—— *Abbas Glaſton. admiſſus eſt, a quo ſtatim exegit Theſaurarius feodum Domini Regis, quod acciderat ei per mortem Abbatis, ſcil. Palefridum, Annulum &* Mootam Canum—— *Et factus eſt ibi pro palefrido &* Moota Canum *novus finis viginti marcarum.* Cartular. Abbat. Glaſton. MS. f. 1046. Vide *Muta.*

Mouthouſe-Court, So the Hundred-Court of *Bingham* in *Nottinghamſhire* is called, and the Place where it ſtands, *Mouthouſe-Pit.* Ant. Not. 71.

Mootmen Are thoſe that argue Readers Caſes (called alſo *Moot-Caſes*) in the Houſes of Chancery, both in Term-time, and alſo in Vacations. *Coke's Rep.* 3 *par. in Proœmio.*

Moza, A Moor, or more barren and improfitable Ground than a Marſh. 1 *Inſt. fol.* 5. *a.* 'Tis derived from the Saxon *Mor*, i. e. *Mons.* It ſignifies alſo *Marſhland.* See *Moroſus. Uſque ad Moram, i. e. Muccoſam & humidam planitiem.* Monaſt. 2 Tom. pag. 50, 52.

Moza, *i. e.* Heath. *Item de pannagio herbagio, &c. & de omnibus exitibus boſcorum*, Morarum, &c. Fleta, lib. 2. cap. 71.

Mora-mussa ——— *De quadam placea* Moræ Mussæ *& Vasti in Villa de* ——— *Mon. Angl.* 2 *part.* 306. *b.* A watry or boggy Moor; for such in *Lancashire* they call *Mosses* to this Time. *Moressa* is also used in the same Sense. *Mon. Ang.* 3 *part.* 70. *a.*

Moratum, A Sort of Drink formerly used here. *Singulis vasis vini*, Morati, *&c.* H. Huntingdon, l. 6.

Moratur, or Demoratur in Lege, Signifies as much as *He demurs*; because the Party goes not forward in Pleading, but rests or abides upon the Judgment of the Court in this Point, who deliberate, and take Time to argue and advise thereupon. Whensoever the Counsel Learned of the Party is of Opinion, that the Count or Plea of the adverse Party is insufficient in Law, then he *demurs* or abides in Law, and refers the same to the Judgment of the Court. *Coke on Litt. fol.* 71. *b.* See *Demurrer.*

Morbium, *Morsby* in *Cumberland.*

Mortum Was a Sort of brown Cloth, mentioned by *Matt. Paris*, *Anno* 1258. with which they made Caps. *Venit enim Londinum cum* 20 *equitaturis, cujus familia collaterilis* 8 *capis, viz.* 5 *clausis & 3 manicatis de optimo* Morcto *superbivit redimita.*

Morganginа, From the Saxon *Morgen*, the Morning, and *Gifan*, to give, *i. e.* the Gift on the Wedding-Day. *Si sponsa virum suum supervixerit dotem & maritationem suam, cartarum instrumentis, vel testium exhibitionibus ei traditam, perpetualiter habeat &* Morganginam *suam.* LL. Hen. 1. cap. 70. *i. e.* Her Dowry. In some Books 'tis writ *Morganegiba.* In *Leg. Canuti apud Brompton*, 'tis writ *Morgagifa, cap.* 99. In *Leg. Hen.* 1. *cap.* 11 & 70. 'tis *Morgangiva.* It signifies literally *Donum matutinale*; and it is what we now call *Dowry-Money*, or that Gift which the Husband presents to his Wife on the Wedding-Day, from the Saxon *Morgen*, *Aurora*, and *Givan*, *Dare*; and was usually the Fourth Part of his personal Estate; not here, but amongst the *Lombards.* Du Cang.

Moriam Is all one in Signification with the French *Morion*, *i. Cassis*, a Head-piece, and that seems to be derived from the Italian *Morione. Anno* 4 & 5 *P. & M. cap.* 2. now called a Pot.

Moridunum, *Seaton* in *Devonshire.*

Morina, Murrein, An infectious Distemper in Cattle. ——— *Carnifex qui vendit carnes porcinas contaminatas, vel carnes de* Morina, *vel emat carnes a Judæis, & vendat Christianis, & super hoc convictus, primo graviter amercietur, secundo patiatur judicium pillorii, tertio incarceretur, & redimatur, quarto abjuret villam.* Consuetud. Domus de Farendon. MS. f. 43. *Morina* also signifies the Wool of Sheep dead with the *Morin. Lana per se vendatur cum pellibus*, Morina *mortuarum*, *i. e.* the Wool of sick Sheep, and of those dead with the *Morin.* Fleta, lib. 2. c. 79. par. 6.

Morling, alias **Mortling.** Is that Wool taken from the Skin of a dead Sheep, either dying of the Rot, or killed. 4 *E.* 4. 2 & 3, 27 *H.* 6. 2. This is written *Morkin.* 3 *Jac.* 18. *Morling or Shorling.* 3 *E.* 4. 1. and 14 *Car.* 2. 18. See *Shorling.*

Morosus. See *Mora. In viis & semitis per vallem quandam* Morosam *& aquosam.* Monast. 1 Tom. pag. 648.

Morpeth. See *Corstopitum.*

2

Morsellum terræ, A small Parcel or Bit of Land. ——— *Et unum* Morsellum terræ *juxta Horreum suum.* Carta 11 H. 3. Par. fol. m. 33.

Morsellus terræ, A small Parcel of Land. *Matt. Paris. pag.* 438 and *Mon. Angl.* 2 *Tom. pag.* 82.

Morsus, A Sort of Button so called, which was used in the Priests Garments.

Mortarium, A Light or Taper set in Churches, to burn possibly over the Graves or Shrines of the Dead. ——— *Walterus tenet duas acras terræ & dimidiam ibidem de feudo de Bockland ad inveniendum unum* mortarium *ardentem in Ecclesia de Cheping. Faringdon.* ——— Consuetud. Domus de Farendon. MS. f. 48.

Mort-dancestor. See *Assise of Mortdancestor.*

Mortgage, *Mortgagium, vel mortuum vadium*, Is compounded of two *French* Words, *viz. Mort*, *i. Mors*, and *Gage*, *i. Pignus:* In Law it signifies a Pawn of Land or Tenement, or any Thing moveable, laid or bound for Money borrowed, to be the Creditor's for ever, if the Money be not paid at the Day agreed upon; and the Creditor holding Land or Tenement upon this Bargain, is called *Tenant in Mortgage.* Of this we read in the *Grand Custumary of Normandy*, *cap.* 113. which see. *Glanvile* likewise, *lib.* 10. *cap.* 6. defineth it thus; *Mortuum vadium dicitur illud, cujus fructus vel redditus interim percepti in nullo se acquietant.* So you see it is called a *Dead Gage*, because whatsoever Profit it yieldeth, yet it redeemeth not it self by yielding such Profit, except the whole Sum borrowed be paid at the Day. See *Skene de verbor. signif. verbo* Mortgage. He that pledgeth this Pawn or Gage, is called *The Mortgager*, and he that taketh it, *The Mortgagee. West, Symb. part* 2. *Tit.* Fines, *sect.* 145. This, if it contain excessive Usury, is forbidden by 37 *H.* 8. *cap.* 9. But I rather think 'tis called *Mortgage*, because, if the Money is not paid at the Day, the Land *moritur* to the Debtor, and is forfeited to the Creditor.

Morth, Murder. Sax. *Morth*, Death. *Morthlaga*, a Murderer, or Man-slayer. *Morth-lage* Homicide, or Murder, *&c.*

Mortitibus, *i. e.* Dead of the Rot. *Præterea concessi eis, &c. Omnes pelles agnorum de omnibus maneriis meis, &c. tam de his quæ eduntur quam de* Mortitivis. Monast. 2 Tom. pag. 114.

Mortmaine, *Manus mortua*, Is compounded of two *French* Words, *Mort*, *i. mors*, & *maine*, *i. manus:* It signifies an Alienation of Lands and Tenements to any Guild, Corporation, or Fraternity, and their Successors, as Bishops, Parsons, Vicars, *&c.* which may not be done without the King's License, and the Lord of the Manor, or of the King alone, if it be immediately holden of him. The Reason of the Name may be deduced from hence, because the Services, and other Profits due, for such Lands as Escheats, *&c.* should not without such License, come into a *Dead Hand*, or into such a Hand as it were Dead, and so dedicated unto God, or pious Uses, as to be abstractedly different from other Lands, Tenements, or Hereditaments, and is never to revert to the Donor, or any temporal or common Use. *Magna Charta*, *cap.* 36. and 7 *E.* 1. commonly called *The Statute of Mortmaine*, and 18 *E.* 3. *cap.* 3. and 15 *R.* 2. *cap.* 5. *Polydore Virgil*, in the Seventeenth Book of his *Chronicles*, mentions this Law, and gives

gives this Reaſon of the Name, *Et Legem hanc manum mortuam vocarunt, quod res ſemel datæ collegiis ſacerdotum, non utique rurſus venderentur, velut mortuæ, hoc eſt, uſui aliorum mortalium in perpetuum adeptæ eſſent. Lex diligenter ſervatur, ſic ut nihil poſſeſſionum ordini ſacerdotali a quoquam detur, niſi Regio permiſſu:* But the forementioned Statutes be in ſome Manner abridged by 39 *Eliz. cap.* 5. by which the Gift of Lands, &c. to Hoſpitals is permitted, without obtaining *Licenſes in Mortmain. Hotoman*, in his Commentaries *De verbis feudalibus*, verbo *Manus mortua*, hath theſe Words; *Manus mortua locatio eſt, quæ uſurpatur de iis, quorum poſſeſſio (ut ita dicam) immortalis eſt, quia nunquam hæredem habere deſinunt: Qua de cauſa res nunquam ad priorem dominum revertitur, nam manus pro poſſeſſione dicitur, mortua per antiphraſin pro immortali, &c.* Petrus Belluga *in ſpeculo principum*, fol. 76. *Jus amortizationis eſt licentia capiendi ad manum mortuam:* To the ſame Effect read *Caſſan. de conſuet. Burgund. pag.* 348, 387, 1183. 1185, 1201, &c. *Skene de verb. ſignif.* ſaith, *Dimittere terras ad* manum mortuam *eſt idem atque dimittere ad multitudinem ſive univerſitatem, quæ nunquam moritur, idque per d'ellipſin, ſeu a contrario ſenſu*, becauſe Commonalties never die. The Preſident and Governors for the Poor within the Cities of *London* and *Weſtminſter*, may without *Licenſe in Mortmaine*, purchaſe Lands, &c. not exceeding the yearly Value of 3000 Pounds, &c. by the Statute made 14 *Car.* 2. *cap.* 6.

Mortrell, A Meſs of Milk and Bread.——— *Cuilibet fratrum pauperum in Hoſpitali S. Crucis prope* Winton. *dabatur cotidie panis bonus de frumento ad penſam ſive pondus quinque marcarum, & una Lagena cum dimidia mediocris ceruſiæ, potagium ſufficiens, tria fercula in prandio, viz.* Mortrel *confectum de Waſtell & lacte, unum ferculum carnium, vel piſcium; & unam pitantiam juxta exigentiam diei.*——— *Anno* 1373.——— Ex Cartular. S. Crucis. MS. penes Hen. Worſley, Armig.

Mortuary, *Mortuarium, rectius Mortarium*, Is a Gift left by a Man at his Death to his Pariſh-Church, for the Recompence of his perſonal Tithes and Offerings not duly paid in his Lifetime. A *Mortuary* is not properly and originally due to an Eccleſiaſtical Incumbent from any, but thoſe only of his own Pariſh, to whom he miniſters ſpiritual Inſtruction, and hath Right to their Tithes. But by Cuſtom in ſome Places of this Kingdom, they are paid to the Parſons of other Pariſhes, as the Corps paſſes through them. See the Statute 21 *H.* 8. *cap.* 6. before which Statute *Mortuaries*, were payable in Beaſts; the Beſt to the Lord for a Heriot; the Second for a *Mortuary*. Nor was it only *de meliori Averio, ſed de meliori re. Mortuarium* (ſays *Lindewode*) *ſic dictum eſt quia relinquitur Eccleſiæ pro anima defuncti.* Cuſtom did ſo prevail, that *Mortuaries* being held as due Debts, the Payment of them was enjoined as well by the Statute *De circumſpecte agatis*, in 13 *E.* 1. as by ſeveral Conſtitutions, &c. A *Mortuary* was anciently called *Sauleſceat*, which ſignifies *Pe unia Sepulchralis*, or *Symbolum animæ*. After the Conqueſt it was called a *Cors-preſent*, (becauſe the *Beaſt* was *preſented* with the *Body* at the Funeral,) and ſometimes a *Principal*. Of which, ſee a learned Diſcourſe in the *Antiquities of Warwickſhire*, *fol.* 679. And ſee *Selden's Hiſtory of Tithes*, *pag.* 287. There is no *Mortuary* due by Law, but by Cuſtom. 2 *Part. Inſt. fol.* 491. See *Spel. de Concil. Tom.* 2. *fol.* 390. This is likewiſe proved out of *Fleta, lib.* 2. *cap.* 60. *par.* 30. *Item ſi Rector petat* Mortuarium *ubi dari conſuevit.* See *Nonagium* and *Principal*, and *Pretium ſepulchri.*

In the *Iriſh* Canons 'tis called *Pretium ſepulchri*, and *Sedatium*, *viz. Omne Corpus ſepultum habet in jure ſuo vaccam & equum & veſtimentum & ornamenta lecti ſui, &c.* Canon. Hibern. lib. 19. c. 6. And in another Place, *Rogat principem loci, i. e.* the Biſhop, *ut Baſilicam ejus foderit, &c. & reddat amicus pretium ejus & ſedatium commune.*

The Word *Mortuarium* was ſometimes uſed in a Civil, as well as an Eccleſiaſtical Senſe, and was payable to the Lord of the Fee, as well as to the Prieſt of the Pariſh.—— *Debentur Domino* (*i. e. manerii de* Wrechwyke) *nominibus heriotti & mortuarii duæ vaccæ pret.* xii *ſol.* Paroch. Ant. p. 470.

Mozaic-work Properly *Muſaic-work*, *Opus Muſicum*, *Pavimenta teſſellata*, Pavements of curious little Pieces of Brick, or Tile, or Marble, about the Bigneſs and Form of Dice, with which the *Romans* generally paved the Place, where they fixt the *Prætorium* or General's Tent, of which ſeveral have been ploughed up in many Parts of *England. Fran. Junius* cites this Account of them from a Manuſcript *Saxon* Gloſſary of *Lawrence Noel*—— Muſaick-work, *which is a Kind of Ornament made in Pitture with little ſquare Stones like Dies of all Colours, ſet together with certain fine Cement upon a Wall or Floor, ſo that the Forms of Things be therewith pourtrayed and expreſſed as though they were painted. Alſo it is more durable than any Kind of Painting, by reaſon that neither by Weather, wearing, nor waſhing, the Colour can be taken away, which hath the Thickneſs of the little Dies wherewith this Work is made. Of this Kind of Work is little in* England. *Howbeit I have ſeen of it, eſpecially upon Church-Floors before altars, as is to be ſeen before the High Altar at* Weſtminſter, *although it be but groſs. In* Italy *it is almoſt every where, and in moſt Churches to be met.*

Mos-Troopers, A rebellious Sort of Malefactors in the furtheſt Parts North of *England*, that live by Robbery and Spoil, not unlike the *Tories* in *Ireland*, or the *Banditi* in *Italy*, for whoſe Suppreſſion were made the Statutes of 4 *Jac.* 1. *c.* 1, 7 *Jac.* 1. *c.* 1. and 14 *Car.* 2. *cap.* 22.

Mot-bell, The Bell ſo called, which was uſed by the *Engliſh Saxons* to call People together to the Court. *Debent ſtatim pulſatis campanis quod Anglice vocat'* Mot-Bell, *convocare omnes & univerſos, quod Anglice dicunt* Folemote, *i. e. vocatio & convocatio populorum.* Leg. Edw. Conf. cap. 35.

Mote, *Mota*, From the Saxon *Gemote*, *Curia, placitum, conventus:* As *Mota de Hereford, i. Curia vel placita Comitatus de Hereford.* In the Charter of *Maud* the Empreſs, Daughter of King *Henry* the Firſt, we read thus; *Sciatis me feciſſe Milonem de* Gloceſt. *Comitem de* Hereford *& dediſſe ei* motam Herefordiæ *eum toto caſtello, &c.* Hence *Burgemote, curia vel conventus Burgi*; Swaingemote, *curia vel conventus miniſtrorum ſcil. Foreſtæ, &c.* From this alſo we draw our Word *Mote* or *Moot*, to plead. The *Scots* ſay, to *Mute*, as the *Mute-Hill* at *Scone*, i. *Mons placiti de Scona:* We commonly apply the Word *Moot* to that Arguing of Caſes uſed by young Students in the *Inns of Court* and *Chancery*. In the Charter of Peace between King *Stephen* and Duke *Henry*, afterwards King, it is taken to ſignifie a Fortreſs, as *Turris de* London, & *Mota de* Windſor. The Tower of *London*, and Fortreſs of *Windſor*, *Mote* alſo ſignifies a ſtanding Pool or Water to keep Fiſh in, or a great Trench of Water encompaſſing a Caſtle, or other Dwelling-houſe. *Hæc In-*

dentura—— *teſtatur, quod prædictus Rogerus tradidit præfato Thomæ tria ſtagna & unam* Motam Piſcariam *exiſten. infra manerium Domini de Yeſſyn, Hab. prædicta tria ſtagna & prædictam* Motam *cum tota piſcatione in eiſdem & cum incremento piſcium in eiſdem cum libero ingreſſu & egreſſu, &c.* Dat. 18 Feb. 11 Edw. 4.

Motibilis, One who may be removed or diſplaced, or rather a Vagrant. *In Carcere detenti, Canonici, vel alii Religioſi,* Motibiles, *Furioſi, &c. Convenire non poterunt, i. e. In jure convenire non poſſunt.* Fleta, lib. 6. cap. 6. par. 22.

Moteer, A cuſtomary Service or Payment at the *Mote* or Court of the Lord.—— Johannes *Rex, &c. Sciatis nos clamaſſe quietum homines de Cornubia in perpetuum de quadam conſuetudine vocata* Moteer, *ſtatuentes & firmiter præcipientes quod nec in curia noſtra, nec in curia alterutra, in partibus illis de cætero teneatur illa conſuetudo.*——*Teſte, &c.* Rot. Cart. 5 Joh. m. 9.

Motwoith, (the ſame as *Faldwurth*) One who was of Age to be of the *Decennary*; from the Sax. *Mot, Conventus,* and *Weorth, Dignus.*

Mounterium, Anno 20 H. 3. *Placitum in curia Chriſtianitatis coram* Rogero Cov. & Litchf. *Epiſcopio de 21 Libris, 16 Solidis, 4 Denariis, uno pari decretalium, una ſella, uno fræno parca meno, uno* mounterio, *duobus loculis de ſerico, una zona ſerica prædictorum Prioris & Vicarii, quæ non ſunt de teſtamento vel matrimonio.* Prynn, Collect. Tom. 3. S. 127.

Mowntee, An Out-cry or Alarm to mount, and make ſome ſpeedy Expedition.—— *Volumus inſuper quod nullus cujuſcunque conditionis, ratione gradus vel dignitatis exiſtat, clamores vel turbationes facere audeat, quibus nos vel exercitum noſtrum turbari contingat quovis modo, & ſpecialiter illum clamorem quam* Mowntee *appellamus, vel aliquem alium clamorem irrationabilem*—— Statuta Hen. 5. Reg. Angl. tempore guerræ apud Nic. Uptonum de militari Officio. lib. 4.

Muchehunt. *Habeant hi quatuor unam regalem poteſtatem (ſaloa ſemper nobis noſtra præſentia) quaterque in anno Generales Foreſtæ demonſtrationes & viridis & veneris forisfactiones quas* Muchehunt *dicunt, &c.* Vide Leg. de Foreſta R. Canuti, cap. 11.

Muffulæ, Winter-Gloves made of Ram-skins. *In Leg. H. 1. cap.* 70. they are called *Muſſluæ*, and ſometimes *Muſſla.*

Mulier, As it is uſed in the Common Law, ſeems to be a Word corrupted, and uſed for *Melior*, or the French *Melieur*, and ſignifies the *Lawful Iſſue* (born in Wedlock, though begotten before) preferred before an elder Brother born out of Matrimony, *Anno 9 H. 6. 11.* *Smith de Repub. Anglorum, lib. 3. cap. 6.* But by *Glanvile, lib. 7. cap. 1. The lawful Iſſue* ſeems rather *Mulier* than *Melior*, becauſe he is begotten *e Muliere*, and not *e Concubina*; for he calls ſuch Iſſue *Filios mulieratos*, oppoſing them to Baſtards; and *Britton, cap.* 70. hath *frere mulier, i.* the Brother begotten of the Wife, oppoſite to *frere Baſtard.* This appears to be uſed in *Scotland* alſo: For *Skene de verbor. ſignific.* ſays, that *Mulieratus filius* is a lawful Son, begotten of a lawful Wife. A Man hath a Son by a Woman before Marriage, that is a *Baſtard*, and unlawful, and after he marries the Mother of the *Baſtard*, and they have another Son; this ſecond Son is called *Mulier*, that is to ſay, *Lawful*, and ſhall be Heir to his Father; but the other cannot be Heir to any Man, becauſe in Judgment of Law he is ſaid to be *nullius filius*, or *filius populi*, according to the old Verſes.

Cui pater eſt populus, pater eſt ſibi nullus & omnis,
Cui pater eſt populus, non habet ipſe patrem.

And you always find them diſtinguiſhed with this Addition, *Baſtard eigne* and *Mulier puiſne.* See *Co. Lit. fol.* 170 & 243.

Mulier alſo was anciently uſed as an Addition; as, *Omnibus*—— *Domina Johanna de Foreſta*, Mulier, *ſalutem. Noverit univerſitas veſtra, quod, &c.* Dat. 3 Regis Edw. Filii Edw. Ex Autographo penes Authorem. By this it was doubted whether *Mulier* ſignified a Wife, or a Woman born in lawful Wedlock. But the following Deed clearly ſhews it the former, and is conformable to what Sir *Edward Coke* ſays, 2 *Inſt. fol.* 434. *That, of ancient Time*, Mulier *was taken for a Wife, and ſometimes for a Widow.*

ELizabeth Grendon *filia & hæres legitima Domini* Hamonis Peſhal *mil. dum vixit, & Aliciæ uxoris ſuæ filiæ quondam* Roberti Harley & *Johannæ uxoris ejuſdem* Roberti, *filii & heredis quondam Roberti Harley mil. & Margaretæ uxoris ſuæ, pars appellans & actrix ex parte una, & Johanna Harley* Mulier *pars appellata & rea ex altera. Eadem Johanna Harley per Officialem Diœceſis Middleſex. occaſione frigiditatis ſive impotentiæ naturalis Roberti mariti ſui coeund. ſive eam carnaliter cognoſcend. mota, ab eodem Roberto ſeparata fuit. Et nunc, ex ſupplicatione præfatæ Elizabethæ Grendon hæc* ſeparatio *caſſatur & annullatur, & matrimonium inter eos ſolidum & firmum fuiſſe declaratur per inſtrumentum publicum.* Dat. Anno 1400. Ex MS. penes Will. Dugdale Arm.

Mulierie, or **Mulerie**, (*Coke on Litt. fol.* 352. *b.*) The Being or Condition of a *Mulier*, or lawful Iſſue. *Fait a remembre que Osbart Parles engendra Reynald de Aſſeles en* Baſtardie; *le quele Osbart enfeffa le dit Regnald en Fee en tote ſon tenement de Aſſeles, a lui & a ſes heires a touts jours; le quele Reynald engendra Simon de Aſſeles en* Mulerie; *le quele Simon engendra Aliue, Agnes & Margerie en* Mulerie. MS. penes Will. Dugdale Arm.

Mulio de fimo. A Heap of Cart-Dung to be ſpread upon Land.—— *In Berton parva quilibet cuſtumarius*—— *cariabit de fimo de ſterquilinio* x mulliones de fimo. *Ex Cartular. S. Edmundi. MS. f.* 110.

Mullones fœni, Cocks or Ricks of Hay. *Sciant, quod ego Richardus de Harrecurt conceſſi Williel. de Sutton pro Homagio & ſervicio ſuo totam illam virgatam terræ*—— *in Sutton, una cum Meſſuagio, & pertin.*—— *dictus vero Willielmus & hæredes ſui arabunt unum Selionem ad yvernagium & unum Selionem ad ſemen quadrageſimale, & unum Selionem ad Warectam, & ſarclabunt per unum diem cum uno homine, & falcabunt cum uno homine per unum diem in Eſteia*——*& invenient unum hominem ad levand. prata, & cariabunt dicta prata cum una Carecta quouſque cariata ſint plenarie in Curiam de* Sutton, *& invenient unum hominem ad faciendum* Mullones fœni *quouſq; perficiantur & facient quatuor Precarias autumpnales cum duobus hominibus, ſcil. tres ad cibum illorum proprium & quartum ad cibum Domini, & cariabunt bladum per unum diem cum una Carecta, & invenient unum hominem per unum diem ad faciend.* Meyas *in Grangia. Hæc omnia Servitia, &c. Hiis teſtibus*

ſtibus Domino Henrico de Harrecurt, &c. Penes Tho. Wollaſcot Arm. ——— *Ipſe* Robertus *& omnes alii Cuſtumarii dominæ liberam falcatam in prato vocato* Gilberdſham *ſine prandio debent tornare, & inde fœnum levare, &* muliones *inde facere.* Paroch. Antiq. p. 401. Hence in old *Engliſh* a *Moult*, now a *Mow* of Hay or Corn.

Mulmutian Laws. See *Laws.*

Mulneda, A Place to build a Water-Mill. *Et quoddam pratuſculum, ſeu ſtagnum molendini uſque ubi rivus deſcendit in veterem rivulum, & ipſam* Mulnedam *ad faciend. ibidem* Molendinum. Mon. 2 Tom. pag. 284.

Multæ or Multura Epiſcopi, Is derived from the *Latin* Word *Mulcta*, for that it was a *Fine* given to the King, that the Biſhop might have Power to make his laſt Will and Teſtament, and to have the Probate of other Mens, and the granting Adminiſtrations. 2 *Inſt. f.* 491.

Multiplication, *Multiplicatio*, Multiplying or Increaſing: By a Statute made 5 H. 4. *cap.* 4. *It is Ordained and Eſtabliſhed, That none from henceforth ſhall uſe to* multiply *Gold or Silver, nor uſe the craft of* Multiplication, *and if any the ſame do, he ſhall incur the pain of Felony*; and it was made, upon a Preſumption that ſome Perſons skilful in Chymiſtry, could *multiply* or augment thoſe Metals. And *Henry* the Sixth granted Letters Patent to ſome Perſons (who undertook to perform the ſame, and to find out the Philoſopher's Stone,) to free them from the Penalty of the Statute. *Rot. Pat.* 34 *Hen.* 6. *m.* 13. *Co.* 3. *Inſt. fol.* 74.

Multitude, *Multitudo*, Muſt, according to ſome Authors, conſiſt of ten Perſons, or more. But *Co.* on *Lit. fol.* 257. ſays, He never found it limited to any certain Number, but left to the Diſcretion of the Judges.

A Multo fortiori, Or *a minori ad majus*, Is an Argument often uſed by *Littleton*, and is framed thus. If it be ſo in a Feoffment paſſing a new Right, *much more* is it for the Reſtitution of an ancient Right, *&c. Co.* on *Lit. fol.* 253. and 260. *a.*

Multo, Mutile, Molte, Muto, Mutto, Muttons or rather Weathers, *quia teſticulis mutilati.* Several ridiculous Derivations are given of this Word: I ſuppoſe the Original was *Britiſh*; for *Molt* in the preſent *Iriſh* Tongue ſignifies a Ram, a Male Weather, to which the Latin *Multo* is always reſtrained, and does not extend to the Female Sheep or Ewe. ——— *In ſtauro ſunt* LII *matres Oves*, XXV multones, XII *agni mares*, & XIV *agni feminales* ——— And again ——— XXXII *oves lactrices*, III multones, XL *oves otioſas*; *i. e.* Thirty-two milch Ewes, three Rams or Weathers, Forty barren Ewes. *Chartular. Glaſton. MS. f.* 39. *De vaccis* 69, *de bovettis* 17, *de boviculis* 10, *de* Multonibus 381, *de Hurtis & muricis* 207, *de Hogris* 121, *de Agnis* 100, *de Porcis* 33, *de Hogettis* 126, *& de Porcellis* 80, *&c.* Inventor. bonorum Priorat. de Tichfield, Anno 1420. *Item omnes Cuſtumarii de Bromyard forinſeco debent falcare & levare de conſuetudine de* Overrum-peney *annuatim & habebunt ab Epiſcopo unum* Multonem *pretii* viiid. Liber niger Epiſcopat. Heref.

Multones aurei, Pieces of Gold Money impreſt with an *Agnus Dei*, a Sheep or Lamb on the one Side, and from that Figure called *Multones.* This Coin was more common in *France*, and ſometimes current in *England*, as appears by a Patent 33 *Ed.* 1. cited by the learned *Spelman*, though he had not then conſidered the Meaning of it. ——— *Rex tenetur Ottoni de Grandiſono in decem millibus* multonum auri.

Multura. See *Molta. Dabunt* Multuram *ad viceſimum vaſculum quando ad molendinum meum molere voluerint.* Mon. Angl. 3 Tom 91.

Multure, (*Molitura vel Multura*) Signifies the Toll that the Miller takes for grinding Corn. *Et totam ſequelam Cuſtumariorum meorum qui ad dictum molendinum bladum ſuum molent, ad ſextum decimum vas, & braſeum ſuum ſine* Multura. Mon. Angl. 2 Par. fol. 825. a. *And if that will grynd at his Milne, to grend at xxiiii veſſel. And for their Male nogot give* Multer, *&c.* An Award, *Dat.* 28 *H.* 6.

Mulvellus Is a Fiſh caught in the North of *England* in Summer. 'Tis mentioned in *Fleta, lib.* 2. *cap.* 12. *par.* 12. *Dedit* Mulvellum, *Butyrum, &c.*

Mundbrech, A Compound of the Saxon *Mund*, i. *tutela, defenſio*, and *Brice, fractio, violatio*; *ſi Rex Eccleſiam, monaſterium, burgum, hominem aliquem vel ſocietatem, eorumve res aut prædia in ſuam ſuſceperat protectionem, dicebatur hoc omne & ejuſmodi quicquid in Regis eſſe mundio* (in *Saxon* On Tynings munde,) *cujus violatio etiam* Mundbriec *dicta eſt q. protectionis violatio, aut datæ pacis fractio, quæ in Anglorum lege* 5. *libris plectebatur.* Spelman's Gloſſ. *verbo* Mund. Some would have *Mundbrech* to ſignify an Infringment of Privileges; others would that it denotes *Montis fracturam*, becauſe *Mund* alſo is *mons.* But of later Time it is expounded *clauſarum fractio*, for *Mund* ſignifies *Clauſarum munitio*, the Fencing of Lands, therefore *Mundbrech* muſt be the Breaking of thoſe Fences, which in many Parts of *England* we call *Mounds*; and we ſay, when Lands are fenced in and hedged, that they are *mounded.*

Munde, *i. e.* Peace.

Mundebrece, *i. e.* a Breach of the Peace. *Leg. H.* 1. *c.* 37, 66.

Mundeburde, (*Mundeburdum*, from the Sax. *Mund*, i. e. *Tutela*, and *Bord*, or *Borh*, i. e. *Fidejuſſor.*) *Defenſionis vel patrocinii fidejuſſio & ſtipulatio*, a Receiving into Favour and Protection. *Pippinus, ——— Aquitaniæ Rex ——— ut omnes res ad ſuprafcriptum Monaſterium ſub veſtro* Mundeburdo, *vel immunitatis tuitione receperimus.* Preuves de l'Hiſt. des Countes de Guyene, *pag.* 14.

Muniment-houſe, (*Munimen.*) In Cathedral and Collegiate Churches, Caſtles, Colleges, or ſuch like, is a Houſe or little Room of Strength purpoſely made for keeping the Seal, Evidences, Charters, *&c.* of ſuch Church, College, *&c.* Such Evidences being called *Muniments*, corruptly *Miniments*, from *Munio*, to defend; becauſe Inheritances and Poſſeſſions are *defended* by them. 3 *Par. Inſt. fol.* 170.

Muniments, (*Munimenta.*) Mat. Pariſ. f. 311. *Epiſcopus itaque cum* Munimentorum *inſpectionem habere non potuit.* Scripta, ſcilicet, authentica. Charta Donationum & Evidentiæ. See *Miniments.*

Munimins, (*Munimentum*) Are the Grants or Charters of Kings and Princes to Churches; ſo called becauſe *cum eis muniuntur* againſt all thoſe who would deprive them of thoſe Privileges.

Munus Eccleſiaſticum, *i. e.* the conſecrated Bread, out of which a little Piece is taken for a Communicant. *Inſuper & omne Sacrificium quod nos dicimus* Munus Eccleſiaſticum, *&c.* Mon. 2 Tom. pag. 838.

Murage, *Muragium*, Is a Toll or Tribute to be levied, for the Building or Repairing of publick Walls. F. N. B. *fol.* 227. It is due to either by Grant or Preſcription. *Co.* 2 *par. Inſt. fol.* 222. *Murage* ſeemeth alſo to be a Liberty granted to a Town by the King, for collecting Money towards the Walling of the ſame. *Anno* 3 *E.* 1. *cap.* 30.

Murale, the City-Wall. *Huntingd. lib.* 8. *pag.* 392. *Reſonabant colles, reſonabant urbis* Muralia.

Muratio, a Town or Borough ſurrounded with Walls. *Ego verò de caſtris & murationibus meis ſecuritatem talem duci, &c. conſilio ſanctæ Eccleſiæ feci. Brompton* in the *Life of King* Stephen.

Murder, (*Murdrum*) From the Sax. *Morth*, which ſome will have to ſignify a violent Death; from whence the barbarous Lat. *Mordrum* and *Murdrum*. Sometimes the *Saxons* expreſſed it by *Morthdæd*, and *Morthweorc*, a deadly Work; in French *Meurtre*, in Spaniſh *Muertre*, in Engliſh *Murder*: A Word in Uſe long before the Reign of *Canutus*; but I cannot find that the Sax. *Morth* ſignifies a violent Death, but generally *Mors*. Amongſt us 'tis taken for a wilful and felonious Killing another upon prepenſed Malice. *Bracton, lib.* 3. *tract.* 2 *cap.* 15. *num.* 1. defineth it thus: *Homicidium quod nullo præſente, nullo audiente, nullo videnté clam perpetratur. Britton, cap.* 6. is of the ſame Opinion, ſo is *Fleta, lib.* 1. *cap.* 30. adding beſides, that it was not *Murder*, except it were proved the Party ſlain was *Engliſh*, and no Foreigner: But *Staundf. Pl. Cor. lib.* 1. *cap.* 2. ſays, The Law in this Point is altered by the Statute 14 *E.* 3. *cap.* 4. For now it is *Murder*, when a Man upon fore-thought Malice kills another, whether privately or publickly, *Engliſh* Man or Forcigner living under the King's Protection, and this prepenſed Malice is Two-fold; 1. Expreſs, when it may be evidently proved that there was Ill-will. 2. Implyed, when one killeth another ſuddenly, having nothing to defend himſelf, as going over a Stile, or ſuch like. *Cromp. Juſt. of Peace, cap.* Of Murder, *fol.* 19. *Per parol de* Murder *en grants, le Grantee clama de aver amerciament de* Murderers. *Broke*, Tit. *Quo Warrant.* 2. But formerly it was taken only for a clandeſtine Killing; for amongſt the Laws of *H.* 1. *cap.* 92. 'tis ſaid, That *Murdritus homo antiquitus dicebatur cujus interfector neſciebatur ubicunque, vel quomodocunque eſſet inventus, nunc adjunctum eſt, licet ſciatur quis* Murdrum *fecerit, homicidium per proditionem.* So in *Mat. Pariſ. Anno* 1216. *Arthurum nepotem propriis manibus per proditionem interfecit peſſimo mortis genere quod Angli* Murdrum *appellant.* But now 'tis a wilful Killing another *ex malitia præcogitata.*

Murengers Are two ancient Officers in the City of *Cheſter*, being two of the principal Aldermen, yearly elected to ſee the Walls kept in good Repair; for the Maintaining whereof they receive ſeveral Tolls and Cuſtoms.

Murilegus, a Cat. *Knighton, lib.* 3. *fol.* 253.

Murrena. See *Morina.*

Murozum operatio, The Service of Work and Labour done by Inhabitants and adjoining Tenants in Building or Repairing the Walls of a City or Caſtle. From which Duty ſome were exempted by ſpecial Privilege. So King *Henry* the Second granted to the Tenants within the Honour of *Wallingford* —— *Ut quieti ſint de operationibus caſtellorum & murorum.* Paroch. Antiquit. *pag.* 114. When this perſonal Duty was commuted into Money, the Tax ſo gathered, was called *Murage.*

Muſſulæ. See *Muffulæ.*

Muſicians. See *Minſtrels.*

Muſſa, (Lat.) a Moſs or Marſh Ground. *Inter duram terram & humidam uſque ad* Muſſam, *& ſic deſcendendo per* Muſſam *illam uſque ad rivum.* Pat. 12 Ed. 2. *p.* 1. 22.

Muſſa, A Place where Sedge grows; a Place over-run with Moſs. *In terris cultis & incultis in boſco, in moris &* Muſſis. Mon. 1 Tom. pag. 426.

Muſſa for *Muſſa.*

Muſter Cometh of the French *Mouſtre*, i. *ſpecimen, exemplum*, as *Faire mouſtre Generale de tout ſon armee*, is as much as *luſtrare exercitum.* The Signification is well known to *Muſter an Army.* So *muſtred of Record*, 18 *H.* 6. *cap.* 19. is to be enrolled in the Number of the King's Soldiers. *Maſter of the King's Muſters.* 2 *Ed.* 6. 2. See in *Maſter.*

Muſter-maſter General, *Anno* 35 *El. c.* 4. See *Maſter of the King's* Muſters.

Muta Canum, (Fr. *Meute de Chiens*) a Kennel of Hounds. The King at a Biſhop or Abbot's Deceaſe had ſix Things: 1. *Optimum equum ſive Palfridum ipſius Epiſcopi cum ſella & fræno.* 2. *Unam Chlamydem ſive Clocam cum capella.* 3. *Unum Ciphum cum co-opertorio.* 4. *Unam pelvem cum lavatorio.* 5. *Unum Annullum aureum.* 6. *Necnon* Mutam Canum *quæ ad Dom. Regem ratione prærogativæ ſuæ ſpectant & pertinent.* Hill. 2. Ed. 2. in Stat. poſt mortem Epiſc. Bath. & Wellenſ. & Clauſ. 30 E. 1. m. 16.

Mutare, To mew up Hawks, in the Time of their molting, or caſting their Plumes. The Manor of *Broughton* Com. *Oxon.* in the Reign of *Edward* II. was held by *John Mauduit* —— *per ſerjantiam* mutandi *unum hoſtricum Domini Regis, vel illum hoſtricum portandi ad aerium Domini Regis.*—— Paroch. Antiq. 569. Hence the *Muta Regia*, the *Mews* near *Chairing-Croſs* in *London*, now the King's Stables, formerly the Falconry, or Place for the King's Hawks.

Mutatorius, *i. e.* Change of Apparel. *Juſſit eum arctiori carcere*, Mutatoria *autem ſua ei non ſubſtraxit.* Mat. Pariſ. Anno 1107. So in *Gervaſe* of *Tilbury, Levioribus Rex* mutatoriis *indutus ad menſam accedit.*

Mutatus accipiter, A mewed Hawk.—— *Nicholaus de Audelegh reddit ad ſcaccarium unum* ſpervarium mutatum *per quod tenet de Rege in capite Egmunton.* —— Memorand. in Scaccar. Term. Mich. 21 Ed. 1. by Sir *John Maynard.*

Mute, *Mutus*, Speechleſs, dumb, or that refuſes to ſpeak; a Priſoner may ſtand *Mute* two manner of Ways, 1. When he ſtands *Mute*, without ſpeaking of any Thing, and then it ſhall be enquired whether he ſtood *Mute* of Malice, or by the act of God; and if it be found that it was by the act of God, then the Judge of the Court *ex Officio* ought to enquire whether he be the ſame Perſon, and of all other Pleas, which he might have pleaded, if he had not ſtood *Mute.* 2. When he pleads, Not guilty, or doth not anſwer directly, or will not put himſelf upon the Enqueſt, to be tried by God and the Country. *Co.* 2. *par. Inſt. cap.* 12. 32 *H.* 8. See *Paine fort & dure. Mute* alſo ſignifies a *Kennel, or Cry of Hounds*, as *Bailler la* meute *& rovi a un Cerfe*, to follow after him with a full Cry. *Spelman.*

Myllewell, A Sort of Fiſh, perhaps the ſame with what now in *Lancaſhire* is called *Milwyn*, which *Spelman* renders *Greenfiſh*, but it was not ſtrictly ſo, but another Sort of Cod or Salt-fiſh: For they are expreſly diſtinguiſhed in this Account ——*Et in tribus copulis viridis Piſcis, & in quindecim copulis de* Myllewell *minoris ſortis, x ſol. vi den. & in viginti* Myllewell *majoris ſortis* xii *ſol.* Paroch. Antiquit. p. 575.

Mynchen, *Mynecena.* Sax. *Mynecene*, A Nun or veiled Virgin. Hence our *Minnekin* and *Minneken Laſs*, to go *mincing*, &c.

Myſtery, *Myſterium, Vitæ modus*, A Trade or Occupation, derived from the Freneh *Meſtier*, i. *ars, artificium.*

N.

Nbulum. *Merces nautica.* Spelman.

Nacella, a Skiff, or Boat. 'Tis mentioned *in Mat. Pariſ. viz. Tranſitum per* Nacellas *& alia vaſa præparavit.*

Nacka, Nacta, A ſmall Ship, a Yacht, a Tranſport Veſſel. —— *Tenet per ſervitutem de tenendæ una corda in* Nacka *Dominæ Reginæ Angliæ quum contigit eam transfretare.* Chartular. Abbat. Radinges. MS. f. 51. b. ——*Reddendo inde quantum pertinet ad quintam partem ſerjantiæ de* Puddeworth, *ſcilicet, de tenenda una corda in* Nacta *Reginæ transfretando verſus Pictaviam.* Ibid.

Naam, or Naam, (*Namium*, from the Sax. *Niman, Capere,*) Signifies the Taking or Diſtraining another Man's moveable Goods; and is either lawful or unlawful. *Lawful Naam* is a reaſonable Diſtreſs proportionable to the Value of the Thing diſtrained for: And this *Naam* was anciently called either *Vif* or *Mort*, Quick or Dead, according as it is made of dead or quick Chattels. *Lawful Naam* is ſo either by the Common Law, as when one takes another Man's Beaſts *Damage Feaſant* in his Ground; or by a Man's particular Fact, as by reaſon of ſome Contract made, that for Default of Payment of an Annuity it ſhall be lawful to diſtrain in ſuch or ſuch Lands, &c. *Horn's Mirror of Juſtices, lib. 2. cap.* De Naam. See *Withernam*; *Non libebit* Namium *ſumere vel vadimonium, nec averia ſua imparchiare.* Mon. Angl. 2 Par. fol. 256. b. *Nemo* Namium *capiat in comitatu vel extra Comitatum, priuſquam ter in Hundredo ſuo rectum ſibi perquiſierit.* LL. Canuti MS. c. 18. quod inſcribitur *de* Namiis *capiendis. Quod ſi reddere noluerint* (debitores) *nec ad diſrationandum venire, tunc cives, quibus debita ſua debent, capiant in Civitate,* Namia *ſua, vel de comitatu in quo manet, qui debitum debet.* Char. H. 1. de Libertat. London. See *Vetitum Namium.*

Namation, (*Namatio*) A Diſtraining or Taking a Diſtreſs. In *Scotland* it uſed is for impounding. *Nemo veniens ad forum de* Nottingham *cum quadrigis & ſummagiis ſuis a Veſpere diei Veneris uſque ad Veſperem diei Sabbati* Nametur *niſi pro firma Regis* (*Carta* H. 2. *Burgenſ. de Nott.*) *i. e.* ſhall not be diſtrained.

Namium vetitum Is an unjuſt taking the Cattel of another, and driving them to an unlawful Place, pretending Damage done by them. In which Caſe the Owner of the Cattel may demand Satisfaction for the Injury, which is called *Placitum de Namio vetito.*

Nanniandum. *Inſuper obligavit eiſdem Abbati & Conventui, nomine pignoris, totum Tenementum ſuum quod eſt in parochia S.* Edwardi, *Oxon. ad ingrediendum &* Nanniandum *in eodem, &c.* Charta Rogeri Bonivalet Cordwanarii Oxon. ad Oſhevenſes, in Reg. Cœnob. Oſney, f. 118. Probably from the French *Nantir*, to give or gain Seiſin or Poſſeſſion of.

Naperie, (*Anno* 2 *R.* 2. *c.* 1.) From the Italian *Napperia, i. linteamina domeſtica*) we may call it Linen Clothery, or Houſhold Linen.

Narrator, a Pleader or Serjeant at Law—— *Et ſciendum quod quidam* Willielmus Lovel *miles hic in Curia in præſentia & audientia Juſtic. animo impetuoſo dixit cuidam Ade de Flitcham Narratori prædicti Petri in Aſſiſa prædicta placitandi, &c.* Hill. 16 Ed. 3. in Scacc. Anciently *Serviens Narrator* was uſed for a Serjeant at Law. See *Serjeant.* So *in Fleta, lib. 2. c. 37. Et ulterius in Curia Regis pro aliquo narrare non audietur, niſi pro ſemetipſo, ſi* Narrator *fuerit.*

Naſſe, or Naſſe, (*Anno* 4 *H.* 7. *cap.* 21.) Seems to have been the Name of the Port at *Orford* in *Suffolk.* From the Saxon *Næſe, Promontorium.*

Natale, *i. e.* the State and Condition of a Man. *Si quis de homicidio accuſetur, & idem ſe purgare velit ſecundum* Natale *ſuum.* Leg. Hen. 1. cap. 64.

Nathwyte. *Quod nec dictus Philippus de Avery, nec hæredes ſui de cætero petere poſſint aliqua tallagia, nec etiam francum plegium, nec etiam aliam demandam, quæ vocatur* Nathwyte. Charta 55 Hen. 3. m. 6. Perhaps from the Sax. *Nath, i. e.* Lewdneſs; and ſo it might ſignify the ſame with *Lairwite.*

Nativi tenentes. *Sunt (ipſi etiam liberi) qui terram tenent* Nativam; *hoc eſt*, Nativorum *ſervitiis obnoxiam.* Spelm.

Nativi de Stipite. *J. C.* Nativus de Stipite *quondam tenuit in villenagio ut* de Stipite *unum Meſſuagium in Rillaton, &c. Survey of the Dutchy of Cornwal*; where there is alſo Mention of *Nativi Conventionarii.* The firſt were Villains or Bondmen by Birth or Stock: The other by Contract or Covenant. *Servi enim alii natura, alii facti & alii emptione, alii redemptione, alii ſua vel alterius datione.* LL. Hen. 1. *cap.* 76. And in *Cornwal* it was a Cuſtom, that if a Freeman married *Nativam*, and brought her *ad liberum tenementum & liberum thorum*, and had two Daughters, one of them was free, and the other a Villain. *Bracton, lib. 4. cap.* 21, 22.

Nativitas, *i. e.* Servitude. *Si* nativi *regent Domino* Nativitatem *ſuam, ſive Bondagium.* The Word is often mentioned in the Laws of *William* the Firſt.

Nativity, *Nativitas*, Birth: Caſting the *Nativity*, or by Calculation, ſeeking to know how long the Queen ſhould live, &c. made Felony, 23 *El.* 2. *Nativitas* was anciently taken for *Bondage* or *Villenage*, *Terram quam* nativi *ſui tenuerunt de ſe in* nativitate. Mon. Ang. 2. par. f. 643.

Natio, A Native Place. The Jurors of the Borough of *Wallingford*, return upon Oath —— *Quod nullus de* Natione *iſtius Burgi pro quocunque facto quod fecerit, debet ſuſpendi, &c.* Paroch. Antiquit. *p.* 258.

Nativo habendo Was a Writ that lay to the Sheriff, for a Lord, whoſe Villain claimed for his Inheritance, run from him, for the Apprehending and Reſtoring him to his Lord again. *Reg. Orig. fol.* 87. *F. N. B. fol.* 77. See the Charter of *Richard* the Second, by which he manumitted

ted all in the County of *Hertford*. Walſingham, *pag.* 254.

Nativus, He that is born a Servant, and ſo differs from him that ſuffers himſelf to be ſold, of which Servants there are three Sorts, *Bondmen*, *Natives*, and *Villeins*; *Bondmen* were thoſe who bound themſelves by Covenants to ſerve, and took their Name from the word *Bond*; *Natives* we ſpoke of juſt before; and *Villains* were ſuch who belonging to the Land, tilled the Lord's Demeſnes, nor might depart thence without the Lord's Licenſe. *Spelman's* Gloſſ. *Vide* Chart. R. 2. *qua omnes manumittit a bondagio in Com.* Hertf. Walſingham, *pag.* 254. *Quid ſi aliquis* Nativus *alicujus in præfato Burgo manſerit, & terram in eo tenuerit, & fuerit in prædicta Gilda & Hanſa & Loth & Scoth cum eiſdem Burgenſibus noſtris per unum annum & unum diem ſine calumpnia, deinceps non poſſit repeti a Domino ſuo, ut in eodem Burgo liber permaneat.* Carta H. 3. Burgenſibus Mungumery.

Naturæ *Pudenda*, Privities. —— *Penſandum autem eſt, per viſum accuſantibus viſum concubitus propenſius adverterdum, ut, ſcilicet ipſas coeuntium* naturas *viderint commiſceri.* Leges Hen. 1 cap. 83.

Naturalization, *Naturalizatio*, Is when an Alien born, is made the King's *natural* Subject. See *Denizen.* And this ſaith *Spelman*, *Regio diplomate & Senatuſconſulto expetendum eſt. Poteſt autem virtute Regii Diplomatis denizaticnem, hoc eſt, Municipium conſequi, quo prædia comparet, poſſideat, diſponat, muniaque omnia ſubeat uti* naturalis *indigena*; *hæreditarie tamen nil adeat ſimplici hoc nomine: Sed* Naturalizationis *pallio indutus omnem adipiſcitur plenitudinem.*

Navagium Was that Duty which was incumbent on the Tenant, to carry his Lord's Goods in a Ship: *Liberi ſint ab omni Cariagio*, Navagio, &c. Mon. 1 Tom. 922.

Navis, Navicula, A ſmall Diſh to hold the Frankincenſe, before it was put into the *Thuribulum*, Cenſer, or ſmoaking Pot. —— *Inter Eccleſiæ ornamenta* —— *Turibulum cum* navi. *Paro h. Antiquit. pag.* 598. It ſeems ſo called from the Shape, reſembling a Boat or little Ship, as a *Cogue* of Brandy for the like Reaſon. We have ſeen ſeveral of theſe Boat-cups in Silver, Earth, &c.

Navis Eccleſiæ, The *Nave* or Body of the Church, as diſtinguiſhed from the Quire, and Wings, or Iſles. It is that Part of the Church, where the Common People ſit, which being the longeſt Part is ſo called: *Quod camera ejus veluti* Navium *carina eſt.* Du Cange.

Nayvitas, The ſame with *Nativitas: Liberatus fuit a* Nayvitate *cum tota ſequel.* Fleta, lib. 5. c. 5. par. 39.

Ne admittas Is a Writ that lieth for the Plaintiff in a *Quare Impedit*, or him that hath an Action of *Darrein Preſentment* depending in the Common Bench, and feareth that the Biſhop will admit the Clerk of the Defendant, during the Suit between them; which Writ muſt be ſued within ſix Months after the Avoidance, becauſe after ſix Months the Biſhop may preſent by Lapſe. *Reg. Orig. f.* 31. *F. N. B. f.* 37.

Neatland, *Terra Villanorum*, Land let or granted out to the Yeomanry. *Ex vet. Charta.*

Negative pregnant, *Negativa pregnans*, Is a *Negative* implying alſo an Affirmative: As if a Man being impleaded to have done a Thing on ſuch a Day, or in ſuch a Place, denieth that he did it *modo & forma declarata*, which implieth nevertheleſs, that in ſome ſort he did it: Or if a Man be ſaid to have alienated Land in Fee, and he ſaith, he hath not aliened in Fee, this is a *Negative pregnant*; for though it be true that he hath not aliened in Fee, yet it may be, he hath made an Eſtate in Tail. *Dyer, fol.* 17. *num.* 95. And *Brook hoc titulo*, and *Kitchin, fol.* 232. and the *Terms of the Law.* We read alſo in ſome Civilians of *Affirmativa pregnans*, and that is, *quæ habet in ſe incluſivam* negativam, *& hoc importare videntur dictiones* (*ſolum & tantum*) *quæ implicant* negativam. *Pacianus de probationibus*, lib. 1. cap. 31. num. 16. fol. 93.

Neggildare, To claim Kindred.---*non cogitur liber cum ſervo* neggildare, *niſi velit ei factionem facere, nec ſervus cum libero.* Leges Hen. 1. *cap.* 70. The Laws of King *Ina*, Sect. 7, 8. thus expound the Word: *Non cogatur liber cum ſervo cognationem ſolvere, niſi velit eum factione libe-rare.*

Neife, *Nativa*, From the French *Naif*, *naturalis*, Is a Bond-woman. *Anno* 1 *E.* 6. 3. and 9 *R.* 2. *cap.* 2. But if ſhe marry a Freeman, ſhe is thereby made Free; and if ſhe be once Free, and clearly diſcharged of all Bondage, ſhe cannot be *Neif* after, without ſome ſpecial Act done by her, as Divorce, or Confeſſion in Court of Record; and that is in Favour of Liberty, and therefore a Free Woman ſhall not be bound by taking a Villain to her Husband; but their Iſſue ſhall be Villains as their Father was, which is contrary to the Civil Law, which ſays, *Partus ſequitur ventrem.* See *Manumiſſion.* 9 *R.* 2. *cap.* 2. See *Nativus.* Anciently Lords of Manors ſold, gave or aſſigned their Bondmen and Women, as appears by,

Sciant quod ego Radulphus de Crombewel *Miles Senior & Dominus de Lambeley dedi Domino Vicario de Dedeling Beatricem filiam Will. Harvey de Lambeley quondam* Nativam meam, *cum tota ſequela ſua cum omnibus catallis ſuis perquiſitis & perquirendis. Habend. & Tenend. prædictam Beatricem cum tota ſequela ſua & omnibus catallis ſuis & omnibus rebus ſuis perquiſitis & perquirendis prædicto Domino Roberto vel ſuis aſſignatis libere, quiete, bene & in pace imperpetuum, &c. In cujus, &c. hiis teſtibus—Dat. apud Lambeley die Sancti Laurentii Martyris.* Anno 13 E. 3. *See* Manumiſſion.

Writ of Neifty was a Writ whereby the Lord claimed ſuch a Woman for his *Neif*, wherein but two *Neifs* could be put; but it is now quite out of Uſe.

Ne injuſte vexes Is a Writ that lies for a Tenant, who is diſtrained by his Lord for other Services than he ought to make, and is a Prohibition to the Lord in it ſelf, commanding him not to diſtrain. The ſpecial Uſe of it is, Where the Tenant has formerly prejudiced himſelf, by performing more Services, or paying more Rent without Conſtraint than he needed; for in this Caſe, by Reaſon of the Lord's Seiſin, he cannot avoid him in *Avowry*, and therefore is driven to this Writ, as his next Remedy. *Reg. of Writs, fol.* 4. *Fitzh. Nat. Br. f.* 10.

Neomagus. See *Noviomagus.*

Neophyte, A Learner in any Thing, *Tyro*; we call ſuch a one a *Novice.*

Neſſe. (*Anno* 4 *H.* 7. *c.* 21.) See *Naſſe.*

Nether-upon-Eſk. See *Æſica.*

Ne Vicecomes, Colore mandati Regis, quenquam amoveat a poſſeſſione Eccleſiæ minus juſte. *Reg. of Writs, fol.* 61.

Nicol, Anciently uſed for *Lincoln*, *In faſce Petitionum in Turri* London, 30 Ed. 1. 7 E. 1. & *ſæpe alibi.*

Nidering, alias Nidering, alias Nithing, *Guliel. Malmes. pag.* 121. In the Life-time of *William Rufus*, hath theſe Words, *Anglos ſuos appellat* (*Rex*) & *jubet ut compatriotas advocent ad obſidionem venire, niſi ſi qui velint ſub nomine* nidering *quod* nequam *ſonat remanere*; *Angli qui nihil miſerius putarunt quam hujuſce vocabuli dedecore aduri, catervatim ad Regem confluunt, & invincibilem exercitum faciunt.* And *Mat. Paris*, in Anno 1088. p. 14. *Ut ad obſidionem veniant jubet, niſi velint ſub nomine* Nithing *quod Latine* nequam *ſonat recenſeri, &c.*

Nidus, *Neath* in *Glamorganſhire.*

Nient compriſe Is an Exception taken to a Petition, as unjuſt, becauſe the Thing deſired is not contained in that Act or Deed whereon the Petition is grounded. For Example, One deſireth of the Court to be put into Poſſeſſion of a Houſe, formerly among other Lands, &c. adjudged unto him: The adverſe Party pleadeth, That this Petition is not to be granted, becauſe though he had a Judgment for certain Lands and Houſes, yet the Houſe, into Poſſeſſion whereof he deſireth to be put, is not contained among thoſe for which he hath Judgment. See the *New Book of Entries*, *Titulo* Nient compriſe.

Nient dedire, (*Stat.* 29 *Car.* 2. *cap.*———) To ſuffer Judgment to be had againſt one by *Nient dedire*, *i. e.* by not denying or oppoſing it, by Default.

Niffe, (*Anno* 3 *Edw.* 4. *cap.* 5.) *Spelman* hath it without any Explication: I ſuppoſe it a Corruption from *nihil*, and to ſignify a Toy, or Thing of ſmall Value: for we yet ſay, (in ſome Parts of *England*,) *Nitles* and *Trifles.* Others think it comes from the Fr. *Neuf*, *novus*, *q. d. Neuſtes*, or News.

Niger Liber Is the *Black Book* in the Exchequer ſo called.

Nihil, or Nichil, Is a Word which the Sheriff anſwers, that is appoſed concerning Debts illeviable, and that are nothing Worth, by Reaſon of the Inſufficiency of the Parties from whom they are due. 5 *R.* 2. *Stat.* 1. *cap.* 3. *and* 27 *Eliz. cap.* 3. *Accounts of* Nihil *ſhall be put out of the Exchequer.* 5 R. 2. cap. 13.

Nihil capiat per Breve Is the Judgment given againſt the Plaintiff, either in Bar of his Action, or in Abatement of his Writ. *Co. on Littl. fol.* 363.

Nihil dicit Is a Failing to put in Anſwer to the Plea of the Plaintiff by the Day aſſigned, which if a Man omit, Judgment paſſeth againſt him of Courſe by *Nihil dicit*, that is, becauſe he ſays nothing in his own Defence, why it ſhould not.

Nihil capiat per billam. See *Nihil capiat per breve.*

Niſi prius Is a Writ Judicial, which lieth in Caſe where the Jury is impanelled, and returned before the Juſtices of the Bank, the one Party or the other requeſting to have this Writ for the Eaſe of the Country, whereby the Sheriff is willed to cauſe the Enqueſt to come to *Weſtminſter* at a certain Day, or before the Juſtices in the ſame County at their Coming. See 14 *E.* 3. *cap.* 15. The Form of the Writ you have in the *Old Nat. Brev. fol.* 159. and in the *Regiſter Judicial, fol.* 7 & 28 & 75. *New Book of Entries, verbo* Niſi prius. And it is called a Writ of *Niſi prius*, of theſe two Words, whereby the Sheriff is commanded to bring to *Weſtminſter* the Men impanelled at a certain Day, or before the Juſtices of the next Aſſiſes, *Niſi die Lunæ apud talem locum* prius *venerint*, &c. And the Juſtices of *Niſi prius* muſt be one of them before whom the Cauſe is depending in the Bench. *F. N. B. fol.* 240. which he taketh from the *Statute of York*, *Anno* 12 *E.* 2. See *Weſtm.* 2. *cap.* 30. 13 *E.* 1. and 27 *E.* 1. *cap.* 4. 2 *E.* 3. *cap.* 17. and 4 *E.* 3. *cap.* 11. and 14 *E.* 3. *cap.* 16. 7 *R.* 2. *cap.* 7. and 18 *Eliz. cap.* 12.

Nius, The leſſer Hawk, or Sparrow-hawk.—*In nemore de Blidewrd habebant Archiepiſcopus & Canonici Eber. proprios Foreſtarios ſuos & mei & areas accipitrum & niſorum & paſnagium.* Cart. H. 3. Ex Regiſtro Joh. Romane Archiep. Ebor. MS. fol. 91.

Nivicolini Britones, *i. e. Welſhmen*, becauſe they lived near high Mountains covered with Snow, eſpecially in *Caermarthenſhire*; they are ſo called in our Hiſtorians, *cum adverſus* Nivicolinos Britones *Regia eſſet expeditio.* Du Cange.

Nobilis, A Noble, an ancient Kind of *Engliſh* Money now not in uſe; the Value thereof, in the Thirty-fourth Year of *Edward* the Third, being 1360. appears in the Letters of *John* King of *France*, upon the Treaty of Peace between the ſame two Kings, where *Art.* 13. you have theſe Words,——— *Item accorde eſt que le Roy de* France *payera au Roy d' Angleterre trois milions d' eſcus d'or, dont les deux valent un* Noble *de la money d' Angleterre.* We at this Day value a *Noble* at ſix Shillings eight Pence, but have no peculiar Coin of that Name.

Nobilitas, Nobility, compriſeth all Degrees of Dignity above a Knight, ſo that a Baron is the loweſt Order thereof. *Smith, de Repub. Angl. lib.* 1. *cap.* 17. *Bartolus* in his *Tract. de Nobilitate, lib.* 12. defines it thus, *Nobilitas eſt qualitas illata, &c.*

Noble: The *Roſe Noble* was a Gold Coin current in *England* about the Year 1344, as *Knighton* tells us, *viz. Anno* 1344. *Eodem tempore*, Nobile & *obolus, & Ferthing de auro cœperunt florere in regno, &c.*

Nocata terræ———*Qui tenuit dimidiam virgatam terræ vel* Nocatam terræ *vel Cottagium*——— Cuſtumar. de Sutton Colfield. See *Nook of Land.*

Noctes & noctem de firma. We often meet in *Domeſday* with *Tot* noctes *de firma*, or *firma tot* noctium, which is to be underſtood of Entertainment for ſo many Nights. See *Domeſday*, *Tit.* Eſſexa. *Rex Hundred de* Chemeresford *writelam tunc reddit hoc manerium decem* noctes *de firma & 10 lib. &c.* Drink, or Entertainment for ſo many Nights. In the Reign of the *Engliſh Saxons*, Time was computed not by Days, but by Nights, ſo we read in the Council of *Cloveſhoe*, *Anno* 824. *Et ibi finita & præſcripte contentione coram Epiſcopo poſt* 30 noctes *illum juramentum ad Weſtminſter deductum eſt.* And ſo it continued to the Time of *H.* 1. *Leg. c.* 66, 76. and from thence 'tis uſual at this Time to ſay a Sevenight or Fortnight.

Nocumentum. See *Nuſance.*

Nodfyrs, alias **Nedfri**, Was a Word well known among the *Saxons* to ſignify neceſſary Fire, being derived from the Saxon *Neb*, that is, neceſſary, and *fry*, *Ignis:* But the learned *Spelman* is of Opinion from the old Saxon *Neod*, *i. obſequium*; ſo that *Nodfyrs* were Fires made in Honour of the Heathenith Deities. Vide *Proœmium Eadgari Regis de Cœnobitis Regularibus introducendis*, &c.——

Noffus, **Naufus**, A Coffin of Wood. *Siquis corpus in terra vel* noffo *vel petra, ſub petra, vel pyramide, vel ſtructura qualibet poſitum effodere præſumpſerit.*—— Leges Hen. 1. cap. 83.

Nomen, *Nominis impoſitio.* It was uſual for the *Romans* to give Names to their Male Children when they were nine Days old, and to the Females, eight Days after their Birth. 'Tis probable that they derived this Cuſtom from the *Grecians*, who did the like; but amongſt the Chriſtians the Name was not always given in Baptiſm, but ſome Time before, *viz. credidit autem Tiſinnius cum omni domo ſua, & dato nomine proximo paſchate futuro baptizatus eſt.* And here in *England*, we may learn the ſame Thing from *Leg. H. 1. cap.* 70. *viz. Si infans occidat vel occidatur, ſive* nomen *habeat ſive non habeat, plena wera conjectetur.*

Nomenclator, One that enucleates and opens the Etymologies of Names. *Spelman* verbo *Nomenclator*, interprets it to be *Theſaurarius.*

Nomination (*Nominatio*) Is taken for a Power that a Man, by virtue of a Manor, or otherwiſe, hath to appoint a *Clerk*, to a *Patron* of a Benefice, by him to be preſented to the *Ordinary.*

Nomina Villarum. King *Edward* the Second (*Anno Reg.* 9.) ſent Letters to the Sheriffs of *England*, commanding them to make an exact Return into the Exchequer of the Names of the Villages, and Poſſeſſors thereof in every County, which was accordingly done by them, and their Returns together are called *Nomina Villarum*, remaining ſtill in the Exchequer.

Nonability Is an Exception taken againſt the Plaintiff or Defendant, upon ſome Cauſe why he cannot commence Suit in Law, as *Præmunire*, *Outlawry*, *Profeſt in Religion*, *Excommunicate*, *or a Stranger born*, which laſt holds only in Actions real and mixt, and not in perſonal, except he be a Stranger and an Enemy. The *Civilians* ſay, That ſuch a Man hath not *Perſonam ſtandi in judicio.* See *Bro. hoc titulo*, and *F. N. B. fol.* 35, 65. & 77.

Non admittas. See *Ne admittas.*

Nonæ & decimæ Were Payments made to the Church by thoſe who were Tenants of their Farms, where *Nonæ* was a Rent or Duty claimed for Things belonging to Husbandry, and *Decimæ* were claimed in Right of the Church.

Nonage Is all that Time of a Man's Age, under One and twenty Years in ſome Caſes, and Fourteen in others, as Marriage. See *Broke*, *Tit.* Age. *Vide* Age.

Nonagium, *i. e.* The ninth Part of moveable Goods paid in Nature of a Mortuary, which formerly was the third Part of ſuch Goods, and therefore it was called *Tertiagium:* This was claimed by the Clergy upon the Death of thoſe of their Pariſh, but by a *Bull* of *Clement* the Sixth, it was reduced to the ninth Part; the Pretence for this Payment was, to diſtribute it to pious Uſes.

Non capiendo Clericum. See *Clericum non capiendo.*

Nonclaim Is the Omiſſion, or Neglect, of him that ought to challenge his Right within a Time limited, by which Neglect he is either barred of his Right, as at this Day upon *Nonclaim* within five Years after a Fine, and Right to him accrued, by the Statute of 4 *H.* 7. 24. Or of his Entry by his Deſcent, for want of *Claim*, within five Years after the *Diſſeiſin* made, by the Stat. 32 *H.* 8. 33. Vide *Co. lib.* 4. *in Proœm.* and *Continual Claim.*

Non compos Mentis Is a Man of no ſound Memory and Underſtanding, of which there are four Sorts: Firſt, An *Ideot*, who from his Nativity, by a perpetual Infirmity, is *Non compos Mentis.* Second, he that by Sickneſs, Grief, or other Accident, wholly loſeth his Memory and Underſtanding. Third, A *Lunatick*, that has ſometimes his Underſtanding, and ſometimes not, *aliquando gaudet lucidis intervallis.* Laſtly, He that by his own Act, for a Time, deprives himſelf of his right Mind, as a *Drunkard*; but that Kind of *Non compos Mentis* ſhall give no Privilege or Benefit to him or his Heirs; and a Deſcent takes away the Entry of an *Ideot*, albeit the Want of Underſtanding was perpetual. *Coke*, *lib.* 4. *Beverley's* Caſe.

Non diſtringendo Is a Writ compriſing under it divers Particulars, according to divers Caſes, which ſee in the Table of *Reg. Orig.* verb. *Non diſtringendo.*

Nones, *Nonæ*, According to the *Romans* Account, were thoſe Days which at the Beginning of ſome Months had ſix, of others had four Days, according to the Verſes,

Sex Nonas *Maius, October, Julius & Mars,*
Quatuor at reliqui, &c.——

Thus the *Nones* in *March*, *May*, *July*, and *October*, are the ſix Days next following the firſt Day, or the *Calends.* In other Months they are the four Days next after the firſt; but the laſt of theſe Days is properly called *Nones*, and the other reckoned backward, according to the Number diſtant from the *Nones*, as the Third, Fourth or Fifth *Nones.* They are called *Nones*, becauſe they begin the *ninth* Day before the *Ides.* Dates of Deeds by *Nones*, *Ides*, or *Calends*, is ſufficient. 2 *Inſt. fol.* 675. *Spelman* in his *Gloſſary* interprets it for *Meridies*, Mid-day, Dinner-time, which we in *Engliſh* call *Noon* and *Noon-tide*, which is as much as if we ſhould ſay in Latin *Horam nonam*, id eſt, *Pomeridianam tertiam*, *non meridiem*, and as he infers, *Ratio a Romanorum cœna ducta eſt, quæ hora diei* nona *eſt, nec ſolenniter ante comedebant.*

Non eſt Culpabilis Is the general Plea to an Action of Treſpaſs, whereby the Defendant doth abſolutely deny the Fact imputed to him by the Plaintiff, whereas in other ſpecial Caſes the Defendant but alledgeth ſome Reaſon in his own Defence: And therefore when the Rhetoricians compriſe the Subſtance of their Diſcourſes under three Queſtions, *An ſit*, *quid ſit*, *quale ſit*; this Anſwer falleth under the Firſt of the Three, and as it is the general Anſwer in an Action of Treſpaſs, that is, an Action criminal civilly proſecuted; ſo is it alſo in all Actions criminally followed, either at the Suit of the King, or other, wherein the Defendant denieth the Crime objected

objected unto him. See the *New Book of Entries*, *Tit.* Non culpabilis, and *Staundf. Pl. Cor. lib.* 2. *cap.* 62.

Non eſt factum Is an Anſwer to a Declaration, whereby a Man denieth that to be his Deed, whereupon he is impleaded. *Bro. hoc Tit.*

Non implacitando aliquem de libero tenemento ſine brevi Is a Writ to inhibit Bailiffs, *&c.* from diſtraining any Man without the King's Writ, touching his Freehold. *Regiſter, fol.* 171.

Non intromittendo, quando breve de Præcipe in Capite ſubdole impetratur, Is Writ directed to the Juſtices of the Bench, or in *Eyre*, willing them not to give one that hath, under Colour of intituling the King to Land, *&c.* as holding of him *in Capite*, deceitfully obtaining the Writ called *Præcipe in Capite*, but to put him to this Writ of Right, if he think good to uſe it. *Reg. Orig. fol.* 4. *b.* But this Writ had Dependance on the Court of Wards, and therefore is now become out of Uſe.

Non Mercandizando Victualia Is a Writ directed to the *Juſtices of Aſſiſe*, commanding them to enquire whether the Officers of ſuch Towns do ſell Victuals in groſs, or by Retail, during their Office, contrary to the Statute, and to puniſh them if they find it true. *Regiſter of Writs, fol.* 184.

Non moleſtando Is Writ that lieth for him which is *moleſted* contrary to the King's Protection granted him. *Regiſter of Writs, fol.* 24.

Non obſtante, (Which ſignifies Notwithſtanding,) is a Clauſe frequent in Statutes and Letters Patent. *All Grants of ſuch Penſions, and every* Non obſtante *therein contained, ſhall be void.* 14 Car. 2. cap. 11. Croke's Rep. 3. par. fol. 196. and *Plowd. Com. fol.* 501, 502. In the Reign of King *Henry* the Third (ſays Sir *Richard Baker*) the Clauſe *Non obſtante* (firſt brought in by the *Pope*) was taken up by the King in his Grants and Writings. See *Prynne's Animadverſions on* 4 *Inſt. fol.* 129.

Non omitt. propt. aliquam libertat. Is a Writ that lies where the Sheriff returns upon a Writ to him directed, that he hath ſent to the Bailiff of ſuch a Franchiſe, which hath the Return of Writs, and he hath not ſerved the Writ, then the Plaintiff ſhall have this Writ directed to the Sheriff to enter into the Franchiſe, and execute the King's Proceſs himſelf. *Old Nat. Brev. fol.* 44. Of this the *Regiſter Original* hath three Sorts, *fol.* 82 & 151. and the *Regiſter Judicial* one, *fol.* 5 & 56. Alſo the Sheriff ſhall warn the Bailiff, that he be before the Juſtices at the Day contained in the Writ, and if he come not, then all the *Judicial* Writs during the ſame Plea iſſuing, ſhall be Writs of *non omittas*, and the Sheriff ſhall execute the ſame. See *Terms de Ley, hoc Tit.*

Non Plevin. It was Enacted 9 *E.* 3. 2. That none thenceforth ſhould loſe his Land becauſe of *Non Plevin*; that is, when the Land was not replevined in due Time. *Ralph de Hengham* gives this good Account of it——— *Caveat ſibi reus deficiens, quod infra* 15 *dies terram ſuam captam in manum Domini Regis replegiet, quod ſi non fecerit, ad calumniam petentis proximo die placiti amittet ſeiſinam terræ ſicut per defaltam ——— Et iſta defalta vocatur Gallice* Non plevine, *& æquipollet naturaliter defaltæ poſt defaltam.* Hengham in Magn. cap. 8.

Non ponendis in Aſſiſis & Juratis Is a Writ founded upon the *Statute of Weſtm.* 2. *cap.* 38. and *Articuli ſuper Chartas, cap.* 9. which is granted upon divers Cauſes to Men for the freeing them from *Aſſiſes* and *Jurors*, particularly by Reaſon of their old Age. See *F. N. B. fol.* 165. and the *Regiſter, fol.* 100, 119, 181, 183.

Non procedendo ad Aſſiſam Rege inconſulto Is a Writ to ſtop the Trial of a Cauſe appertaining unto one that is in the King's Service, *&c.* until the King's Pleaſure be farther known. *Regiſter, fol.* 220.

Non reſidentia pro Clericis Regis Is Writ directed to the Ordinary, charging him not to moleſt a Clerk employed in the King's Service, by Reaſon of his *Non-reſidence. Reg. Orig. fol.* 58.

Non-Reſidence, 28 *H.* 8. 13. Is applied to ſuch ſpiritual Perſons as are not *reſident*, but do abſent themſelves for the Space of one or two Months at ſeveral Times in one Year from their Benefices; for *Perſonal Reſidence* is required of Eccleſiaſtical Perſons upon their Cures. See 2 *Par. Inſt. fol.* 625.

Non ſane Memory, (*Non ſanæ Memoriæ*) Is an Exception taken to any Act, declared by the Plaintiff or Demandant to be done by another, and whereon he grounds his Plaint or Demand: And the Effect of it is, that the Party that did that Act, was Mad or not well in his Wits when he did it, or when he made his laſt Will and Teſtament. See *New Book of Entries, Tit.* Non ſane Memory. See *Non compos Mentis.*

Non ſolvendo pecuniam, ad quam Clericus mulctatur pro non Reſidentia, Is a Writ prohibiting an Ordinary to take a pecuniary Mulct, impoſed upon a Clerk of the King's for Non-Reſidency. *Reg. of Writs, fol.* 59.

Non-ſuit (*i. e. Non eſt Perſecutus, &c.*) Is a Renunciation of the Suit by the Plaintiff or Demandant, moſt commonly upon the Diſcovery of ſome Error or Defect, when the Matter is ſo far proceeded in, as the Jury is ready at the Bar to deliver their Verdict. *Anno* 2 *H.* 4. *cap.* 7. See the *New Book of Entries, verbo Nonſuit.* The *Civilians* term it *Litis Renunciationem.*

Non ſum informatus. See *Informatus non ſum.*

Non-tenure Is an Exception to a Count, by ſaying, That he holdeth not the Land ſpecified in the Count, or at leaſt ſome Part of it. 25 *E.* 3. *Stat.* 4. *cap.* 16. *Weſt Symbol. part* 2. *Tit.* Fines, *ſect.* 138. makes Mention of *Non-tenure general*, and *Non-tenure ſpecial.* See the *New Book of Entries*, verbo *Non-tenure*, where 'tis ſaid, That *ſpecial Non-tenure* is an Exception, alledging that he was not Tenant the Day when the Writ was purchaſed. *Non-tenure general*, is when one denies himſelf ever to have been Tenant to the Land in Queſtion.

Non-term, *Non terminus*, Is the Time of Vacation between *Term* and *Term:* It was wont to be called the Time or Days of the King's Peace. *Lamb. Archaionom. fol.* 126. and that theſe were in the Time of *Edward* the Confeſſor; ſee there. This Time, by the *Romans*, was called *Juſtitium* or *Feriæ*, or *dies nefaſti*; *Feriæ appellari notum eſt tempus illud, quod forenſibus negotiis & jure dicendo vacabat; earum autem aliæ ſolennes erant, aliæ repentinæ.* Briſſon. de verb. ſignif. lib. 6. Weſenbec paratit. de feriis, num. 6.

Nook of Land, *Noka terræ. Universis pateat quod ego* J. *quæ fui uxor* W. B.——— *tradidi, &c.* H. A. *unum mess. & unam* Nokam *terræ cum pertin. in villa de* M. Dat. *apud Sodynton.* 5 E. 3. I have seen an old Deed of Sir *Walter de Pedwardyn*, wherein 12 Acres and an half were granted for a *Nook of Land*; but I think the Quantity was not certain. *Illi qui tenuerunt dimidiam virgatam terræ, vel nocatam terræ, vel cotagium de bondagii tenura.* Dugd. War. p. 665.

Noonichench. *Inter antiquas consuetudines Abbatiæ de Sancto* Edmundo——— *infra manerium de* Herdwyke——— *Custumarius faciet si Dominus voluerit unam precariam in Autumpno cum duobus hominibus ad cibum Domini ad duo repasta & ad* Noonscench, *& aliam precariam cum uno homine ad cibum Domini ad duo repasta & ad* Noonscench, *si Dominus voluerit.* Ex Cartular. S. Edmundi. MS. fol. 322.

Norroy, As much as to say, *Northroy*, that is, the Northern King: The Third of the three Kings at Arms, and his Office lies on the North Side of *Trent*, as *Clarentius* on the South: He is mentioned in the Statute of 14 *Car.* 2. *cap.* 33. See *Herald.*

Northintus, the *North Country.* Leg. Edw.

Northumberland. See *Meatæ.*

North Wales. See *Ordovices* and *Veneti.*

Notary, (*Notarius,*) *Anno* 27 *Edw.* 3. *cap.* 1. Is a Scribe or Scrivener that takes *Notes*, or makes a short Draught of Contracts, Obligations, or other Instruments. *Clauf Edw.* 2. *m.* 6. *Schedula consuta eidem memb. de* Notariis *Imperialibus non admittendis.* At this Day we call him a *Notary*, or *Publick Notary*, that attests Deeds or Writings, to make them authentick in another Country, but principally in Business relating to Merchants.

Note of a Fine, *Nota finis*, Is a Brief of a *Fine* made by the *Chirographer*, before it be ingrossed; the Form whereof see in *West Symbol. part* 2. *Tit.* Fines, *sect.* 117.

Not Guilty. See *Non est Culpabilis.*

Novale Seems to be Land newly ploughed, that without Memory of Man hath not been tilled. (*Ex Cartulario Abbatiæ de Furnesse in Com. Lanc. in Officio Ducat. Lanc. fol.* 41. *b.*) ——*Item nota quod* Novale *est ager nunc primum præcisus, ut extra verborum significationibus innovata, ubi Glossa dicitur* Novale, *terra de* Novo *ad culturam redacta, cujus non extat memoria quod fuisset ibidem: Et quod* Novale *semel fuit, semper erit* Novale, *quoad decimarum retentionem vel solutionem.*——— *Excepta decima* Novalium *cujusdam terræ, quam de novo excoluerunt.* Pat. 6 Edw. 3. pag. 1. m. 19. See *Frutectum.* But *Novale* is not always taken to be Land newly converted into Tillage, for sometimes it signifies fallow Land, *i. e.* Land which hath been ploughed for two Years, and lieth fallow afterwards for one Year, or that which lies fallow every other Year, and 'tis called *Novale*, because the Earth *nova cultura proficiditur*; or it lies fallow *causa novandorum fructuum.*

Nova Oblata. *De* Novis Oblatis *Nichil scribatur in Rotulo annuali, nisi ea de quibus Vicecomites respondent, & debita Inventa in Originalibus quæ videntur esse clara.* Claus. 12 E. 1. m. Dorso. See *Oblata.*

Novel Assignment, *Nova assignatio*, Is an *Assignment* of Time, Place, or such like, otherwise than as it was before in the Writ *assigned.* *Bro. Tit.* Deputy, *num.* 12. See *Novel Assignment of Trespass* in a new Place, after Bar pleaded. *Bro. Tit.* Trespass 122. and *Novel Assignment* in a Writ *de ejectione custodiæ, Tit.* Ejectione custodiæ, *num.* 7. See *Assignment.*

Novellæ. Those Constitutions which were made by Emperors after the Publication of the *Theodosian Code*, were called *Novellæ. Accursius* calls the *Julian* Edition by that Name; and that barbarous Translation which was made in the Time of *Eugaius*, he calls the *Authentick*s, which are Books of the Civil Law.

Novel Disseisin. See *Assise of Novel Disseisin.*

Noviomagus, *Woodcote* near *Croyden* in *Surrey.*

Nowche——— *Hæc ornamenta capellæ suæ delata sunt ad Ecclesiam suam Elyensem post obitum suum, (scilicet* Johannis de Ketene *Episcopi) una cappa rubea de Samyte bene brudata cum imaginibus in tabernaculis cum uno* Nowche *nobili de argento cum salutatione protracta in amayl saphiri coloris.* Hist. Elien. apud Whartoni Angl. Sacr. Part 1. p. 642.

Nowtgeld. So *Cornagium* was called. See *Cornage.*

Noyles, *No Person shall put any* Noyles, *Flocks, Thrums, Hair, or other deceivable Thing into any broad Woollen Cloth*, &c. 22 Jac. 18.

Nuces colligere, To gather small Nuts, or Hazle-nuts. This was one of the Works or Services imposed upon inferior Tenants.——*Homines de Hedingdon uno die* colligent Nuces *nomine Domini in bosco qui vocatur Stowode*——— *Homines de Pydington per unum diem* colligent Nuces *ad opus Domini in bosco suo cum uno homine.*——— Paroch. Antiq. pag. 495.

Nude Contract, *Nudum pactum*, Is a bare Promise of a Thing, without any Consideration; and therefore we say, *Ex* nudo pacto *non oritur actio.*

Nude Matter. See *Matter.*

Ad Numerum, *Civitas* Cant. *reddit* 24 *l. ad Numerum*, Domesday; that is, by Number or Tale, as 'tis called. And *Libræ Pensatæ vel ad Pondus*, was by Weight. See *Libræ Arsæ. Pecunia in numero*, Ad numerum, *numerata*, was the ancient and usual Reservation, and supposed to be intended in all Grants, unless the contrary was expressed. Vide *Hale of Sheriffs Accounts, pag.* 25.

Numisma Signifies the Stamp or Impression made on Money, and oftentimes Money it self, *viz. Aureus Calix, & numerosum argenti* Numisma.

Nummata terræ Is the same with *Denariatus terræ*, and thought to contain an Acre, *Sciatis me (sc.* Will. Longespee) *dedisse & concessisse Ecclesiæ S.* Mariæ *de* Walsingham *& Canonicis ibidem Deo Servientibus in perpetuam Eleemosynam* 40. Nummatas terræ *in* Walsingham, *quæ fuit Archetel & Brinig fratris ejus de socca Wihotune, libere, quiete & honorifice absque omni servitio & omni consuetudine.* Spelman. This seems to be a Mistake, for *Nummata* signifies the Price of any Thing by Money, as *Denariata* doth the Price of any Thing by Computation of Pence, and *Librata* by Computation of Pounds.

Nummus, *i. e.* A Penny; 'tis mentioned in this Sense in *Matt. Westm. Anno* 1095. *Tanta eis suppetebat copia ut aries uno* Nummo, *bos vix* 12 nummis *venderentur.*

Nun, *Nonna*, Signifies a holy or consecrated Virgin, or a Woman that hath by Vow bound her self to a single and chaste Life in some Place and Company of other Women, separated from the World, and devoted to an especial Service of God by Prayer, Fasting, and such like holy Exercises.

Exercises. St. *Hierom* tells us, This is an *Egyptian* Word, as *Hispinian* recordeth of him in the Book *De Origine & Progressu Monachatus*, *fol.* 2.

Nuncius: We may call him an *Apparitor*, *Sergeant*, or *Beadle*.

Nuncupative Will. See *Will*.

Nuper obiit Is a Writ that lies for a Coheir, being deforced by her Co-pareener of Lands or Tenements, of which the Grand-father, Father, Uncle, or Brother to them both, or any other their common Ancestor, died seised of an Estate in Fee-simple. See the Form of the Writ. *Reg. Orig. fol.* 226. *&c.* and *Fitzh. Nat. Brev. fol.* 197. But if the Ancestor died seised in Fee-tail, then the Coheir deforced shall have a *Formedon*, *ibid.* But where the Ancestor was once seised, and died not seised of the Possession, but in Reversion; in such a Case a Writ of *Rationabili parte* lies for the Party.

Nusance (*Nocumentum*,) Cometh of the French *Nuire*, *i. Nocere*, and signifies not only a Thing done, whereby another Man is annoyed in his Free Lands or Tenements, but the Assize or Writ lying for the same. *F. N. B. fol.* 183. And this Writ *de Nocumento*, or of *Nusance*, is either simply *de Nocumento*, or *de parvo nocumento*, and then it is *Vicountiel*. *Old Nat. Brev. fol.* 108, 109. *F. N. B. fol.* 183, 184. *Britton* calls it *Nosance*, whom read, *cap.* 61, 62. *Manwood* in his *Forest Laws*, *cap.* 17. makes three Sorts of *Nusance* in the Forest: The first is, *Nocumentum commune*. The Second, *Nocumentum speciale*. The Third *Nocumentum generale*, which you may read there, (for I will not insist upon the Distinction) See *Reg. Orig. fol.* 197 & 199. *Co. Rep. Williams*'s Case. Instead of this, now generally are brought Actions of Trespass, and upon the Case.

Nutegeld or **Neutgeld**. *Carta Antiq. S. N.* 29. A certain Tribute paid in *Cumberland* and *Westmorland*. It may be the same with *Horngeld*, for by *Neut*, *Neat*, is understood Cattle—— Richardus *Rex*, *&c. Sciatis nos concessisse* Gilberto *filio* Rogeri & *haeredibus suis quietantiam per totam terram suam de* Westmorland & *de Kendale de* Nutegeld, *&c.* Cart. Ric. 1.

Nutmegs, *Nuces muscatæ*, Is a Spice well known to all, described in *Gerhard*'s *Herbal*, *lib.* 3. *cap.* 145. and mentioned among Spices that are to be garbled. 1 *Jac.* 19.

Nutrimentum, Breed of Cattle.—— *Quilibet Custumarius Dominæ non debet vendere equum masculum neque bovem de proprio* nutrimento *suo*——Paroch. Antiq. p. 401.

O.

O. The seven Antiphones or alternate Hymn of seven Verses, *&c.* sung by the Quire in Time of *Advent*, was called *O*, from beginning with such Exclamation. In the old Statutes and Orders for the Church of St. *Paul* in *London*, in Time of *Ralph de Diceto*, Dean, there is one Chapter *De faciendo* O.—— *Debet etiam novus Residentiarius contra Natale* O *suum intonare*, & *in domo sua post completorium totum Chorum invitare*, *&c.* Liber Statutorum Eccl. Paul. London. *MS. fol.* 86.

Ale-Gabel. See *Gavel-ferter*.

Alehus, *i. e.* an Ale-house.

Ate-Gabel. See *Gavel*.

Oath, (*Juramentum*) Is a Calling Almighty God to Witness, that the Testimony is true; therefore it is aptly termed *Sacramentum*, a Holy Band, a sacred Tie, or godly Vow. And it is called a *Corporal Oath*, because the Party, when he swears, toucheth with his right Hand the *Holy Evangelists*, or Book of the *New Testament*. *Coke* 3 *Par. Inst. cap.* 74. See the several *Oaths* of many of the Officers of this Kingdom in the *Book of Oaths* lately printed. In a Deed of *William de Elmham*, Knight, in *French*, Dat. 19 *April*, 49 *Ed.* 3. is this old-fashioned *Oath*, *Promettant per lay foye de mon Corps & de Chivalerie, que si Dieu moy voille mesnez en savete, &c. jeo deliveray les avantditz sommez, &c. MS.* Penes Will. Dugdale, *Ar.* And anciently at the End of a legal *Oath* was added, *So help me God at his holy* Dome, *i. e.* Judgment. *Black Book of Heref. fol.* 46. 'Tis called *Canonica Purgatio*, because allowed by the Canons to distinguish it from *vulgari Purgatione*, *viz.* by Battel, or by Fire or Water *Ordeal*, which was always prohibited by the Church; and in small Matters which the Plaintiff could not prove, or if he could, and his Proof was disallowed by the Court, the Defendant might purge himself by his own *Oath*, and this was called *Jurare propria manu*; but in greater Affairs he was to bring some other credible Persons, who were usually of the same Quality or Condition with the Plaintiff, and they were to swear, that they believed what the Defendant had sworn was true, and those were called *Sacramentales*, whose Number were more or less, according to the Quality of the Criminal, and to the Fault or Thing in Question. If the Defendant was accused of a very great Offence, of which there was no Proof, then he was to purge himself by the Oaths of Twelve such Witnesses; and this was called *Jurare duodecima manu*. Leg. Hen. 1. cap. 64.

Our Ancestors did believe, that a Man could not be so wicked as to call God to witness any Thing which was not true; but that if any one should be perjured, he must continually expect that God would be the Revenger. Such Instances are mentioned in our Historians. See *Malms. lib.* 2. *c.* 6.

Oath of the King, *Juramentum Regis*, Is that which the King taketh at his Coronation, mentioned by *Bracton*, and divers others.

Oath of the King's Justices Is the *Oath* they take at the Entrance into their Office, mentioned *Anno* 18 *Ed.* 3. *stat.* 4.

Obba. *Servientes infirmitorii & refectorii respondeant suis Magistris de ciphis argenteis & mareis, cochealibus argenteis*, Obbis, *salariis*, *Mappis & manutergiis*—— Hist. Ingulphi. p. 104.

Obedientia Was a Rent, as appears out of *Roger Hoveden*, *parte poster. annal. suor.* pag. 430. in these Words, *Ut ergo eis* (*sc. regularibus*) *adimatur opportunitas evagandi, prohibemus, ne redditus quos* Obedientias *vocant ad firmam teneant*, *&c.* In the Canon Law it is used for an Office, or Administration of an Office; and thereupon the Word *Obedientales* is used in the Provincial Constitutions, for those which have the Execution of any Office under their Superiors. *Cap. prim. de Statu regulæ.* For thus saith *Lindewode* in his Gloss upon that Word, *Hi sunt qui sub* Obedientia *suorum Prælatorum sunt & habent certa Officia administranda interius vel exterius*. It may be that some of these Offices called *Obedientia*, consisted in the Collection of Rents or Pensions, and that therefore

those Rents were by a *Metonymy*, called *Obedientiæ quæ colligebantur ab* Obedientalibus. *Concil. Eboracenſ. Anno* 1195. But *Obedientia*, in a general Acceptation of the Word, ſignified every Thing that was enjoined the Monks by the Abbot: And, in a more reſtrained Senſe, the Cells or Farms which belonged to the Abbey, to which the Monks were ſent, *vi ejuſdem* obedientiæ, either to look after the Farms, or to collect the Rents, which were likewiſe called *Obedientia*. So in *Matt. Pariſ. Anno* 1213. *In qualibet Balliva quas* obedientias *appellamus, &c.*

Obit, A *Latin* Word, ſignifying a Funeral Solemnity, or an Office for the Dead, moſt commonly performed at the Funeral, when the Corps lie in the Church uninterred: Alſo the Anniverſary Office. *Cro. 2 par. fol.* 51. *Holloway's* Caſe. It was held 14 *Eliz. Dyer*, 313. That the Tenure of *Obit* or *Chantry* Lands held of Subjects, is extinct by the Act of 1 *E. 6.* 14. See 15 *Car.* 2. *cap.* 9.

Obit, Obituary, The Anniverſary of any Perſon's Death was called the *Obit*; and to obſerve ſuch Day with Prayers and Alms, or other Commemoration, was called *keeping the Obit*. In religious Houſes they had a Regiſter or Kalendar, wherein they entered the *Obits* or *Obitual* Days of their Founders and Benefactors, which was thence called the *Obituary*.

Objurgatrices, Scolds or Railing Women.

Item, quia per Objurgatrices *& meretrices multa mala in villa oriuntur, viz. lites, pugnæ, ſeu verberationes, diffamationes, & tranquillitatis perturbationes, tam de nocte quam die, ac Scifmata inter Vicinos Villæ ſeu Burgi noſtri prædicti, ac inobedientiæ contra Ballivos & alios miniſtros ſuos, ac aliæ multæ inquietationes per earum huteſias & clamores. Igitur utimur de eiſdem, quod cum captæ fuerint, habeant judicium de le* Gogyng-ſtoole, *& ibi ſtabunt nudis pedibus, & ſuis crinibus pendentibus & diſperſis, tanto tempore, ut aſpici poſſint ab omnibus per viam tranſeuntibus, ſecundum voluntatem Ballivorum noſtrorum Capitalium; Et poſt judicium factum, ducantur ad* Gaolum, *& ibi morentur quouſque redemptionem fecerint pro ſuis offenſionibus & delictis ad Voluntatem Ballivorum & Communitatis; Et ſi per tale judicium noluerint caſtigari, a villa ejiciantur, & hoc per Ballivos cum poſſe Communitatis, ſi non per ſe fuerit, propter plura mala diſcrimina & pericula, quæ per eas oriri poſſent, & nedum per illas, ſed etiam per earum manutentores; Et ſi earum manutentores ſint de noſtris Comburgenſibus, fiat de illis ſicut de perjuris & tranquillitatem villæ perturbantibus, & eo facto amittant libertatem.* MS. LL. liberi Burgi villæ de Mountgomery a tempore Hen. 2.

Oblata, Properly Offerings: But in the Exchequer it ſignifies old Debts, brought together from precedent Years, and put to the preſent Sheriff's Charge. See the *Practice of the Exchequer, pag.* 78. Alſo Gifts made to the King by any of his Subjects, which were ſo carefully taken Notice of in the Reigns of King *John* and *Henry* the Third, that they were entered in the Fine Rolls, under the Title *Oblata*; concerning which ſee Mr. *Philips* his Book of the Antiquity and Legality of Royal Purveyance. *Spelman's Gloſſary*, and *Prynn's Aurum Reginæ*. See *Nova Oblata*.

Oblatæ, The conſecrated Wafers or Hoſts diſtributed to Communicants in the Maſs or Sacrament of the Altar.——— And hence the Word was afterwards uſed for thin Cakes or Wafers baked in Iron Moulds, which the *French* ſtill call *Oblee* and *Oblie*.——— A cuſtomary Treat in religious Houſes. *Item ſingulis diebus dominicis in quadrageſimæ dimidium præbendarum frumenti de granario ad* Oblatas, *ad Cœnam, & dimidium ſimiliter in Cœna Domini ad idem.*—— Monaſt. Angl. Tom. 1. pag. 149.

Oblations, *Oblationes*, Are thus defined in the Canon Law, *Oblationes dicuntur, quæcunque a piis fidelibuſque Chriſtianis offeruntur Deo & Eccleſiæ, ſive res ſoli ſive mobiles ſint; nec refert an tegentur teſtamento, an aliter donentur.* cap. Clerici 13. quæſt. 2. Read more thereof in *Duarenus de ſacr. Eccl. Miniſter. ac benefi cap. tertio*, 12 *Car.* 2. *cap.* 11.

Oblations of the Altar, Cuſtomary Offerings from the Pariſhoners to the Pariſh-Prieſt, which were ſolemnly laid upon the Altar: Of which the Maſs or Sacrament-Offerings were uſually three Pence at *Chriſtmaſs*, two Pence at *Eaſter*, and a Penny at two other principal Feaſts. Under the ſame Title were comprehended all the accuſtomed Dues for *Sacramentalia*, or Chriſtian Offices, which in the Vicarage of *Burceſter*, about the Year 1212. were one Penny for a Burial, one Penny for a Marriage, one Penny for Churching a Woman. Among the *Altar Oblations* were alſo reckoned the little Sums paid for ſaying Maſſes and Prayers for the Souls of the Deceaſed. See Mr. *Kennet's Gloſſary*.

Oblationes Funerales, The *Soul-ſeat* or Offering to expiate the Omiſſions or Defaults of the Party deceaſed in paying Tithes, or other Eccleſiaſtical Dues, was at firſt an *Oblation* at the *Funeral*, which was often the beſt Horſe of the Defunct, led before the Corpſe, and delivered at the Church-Gate or the Grave, for the Uſe of the Pariſh-Prieſt. To this old Cuſtom we owe the Original of Mortuaries, &c. If the Corpſe of the Deceaſed was carried from the Mother-Church to any other Place of Sepulture, the accuſtomed Offerings were due to the Pariſh-Prieſt where the Party died.——— At the Burial of the Dead, it was a Cuſtom for the ſurviving Friends to offer liberally at the Altar, for the pious Uſe of the Prieſt, and the good Eſtate of the Soul deceaſed. The Relicks of this Cuſtom do ſtill obtain in *North Wales*, where at the Rails, which decently defend the Communion-Table, there is a Tablet or flat Board conveniently fixed, to receive the Money, which at moſt *Funerals* is offered by the ſurviving Friends, according to their own Ability, and the Quality of the Deceaſed: Which ſeems a providential Augmentation to ſome of thoſe poor Churches. See Mr. *Kennet's Gloſſary*.

Oblationes quatuor principales, The four chief or principal Offerings to the Pariſh-Prieſt, which were made in the Feaſt of *All-Saints*, *Chriſtmas*, *Candlemas*, and *Eaſter*.—— *Ita tamen quod Sacramenta baptiſmi, ſponſalium, purificationis, & quatuor principales* Oblationes, *videlicet in Feſtis omnium Sanctorum, Natalis Domini, purificationis beatæ* Mariæ, *ac Paſchæ, ac mortuaria omnium & ſingulorum ibidem ſepulturam eligentium cum omnibus* oblationibus *ratione funeris* oblatis *& Eccleſiæ debitis* ———*integre reſerventur*——— Munimenta Hoſpitalis S. S. Trinitatis de Pontefracto, MS. fol. 51.

Obligation, *Obligatio*, Is a Bond containing a Penalty, with a Condition annexed, either for Payment

Payment of Money, Performance of Covenants, or the like, and ſo differs from a Bill that hath no Penalty nor Condition; and yet a Bill may be obligatory. *Co. on Litt. fol.* 172. and *Weſt Symbol. part* 1. *lib.* 2. *ſect.* 146.

Obligor Is he that enters into ſuch an *Obligation*, and *Obligee* the Perſon to whom it is entered into. Before the Coming in of the *Normans* (as we read in *Ingulphus*) Writings obligatory were made firm with *Golden Croſſes*, or other ſmall Signs or Marks. But the *Normans* began the making ſuch Bills and Obligations with a Print or Seal in Wax, ſet to with every one's ſpecial Signet, atteſted by three or four Witneſſes. In former Time many Houſes, and Lands thereto, paſſed by Grant and Bargain without Script, Charter, or Deed, only with the Landlord's Sword or Helmet, with his Horn or Cup; yea, and many Tenements were demiſed with a Spur or Curry-comb, with a Bow, or with an Arrow. See *Wang.*

Obolata terræ, In the Opinion of ſome, contains half an Acre of Land, others but half a Perch. *Thomaſius* ſays, *Obolum terræ* is ten Foot in Length, and five in Breadth. See *Fardingdele* and *Spelman's Gloſſary* more at large upon this Word. But, *Dedi duas ſolidatas, tres denariatas & obolatam annui redditus*, Charta Johannis de Strete, 26 Edw. 3. ſignifies two Shillings and ſix Pence Half-penny yearly Rent.

Obolus cereæ Seems to be half a Pound of Wax. *Leg. Canuti, cap.* 14. *Et ſiat in Anno Symbolum lucis*, i. e. a Contribution for Candles, *viz. Primum in Vigilia Paſchæ* Obulus cereæ *de omni hida, &c.* See *Farthingdale.*

Obſella For *Ciſtella. Brompton, pag.* 1224.

Obventions, (*Obventiones*,) Offerings. 2 *Inſt. fol.* 661. Alſo Rents, Revenue, properly of ſpiritual Livings. *Anno* 12 *Car.* 2. *cap.* 11. *Margeria Mareſcalla Comitiſſa de Warewyke univerſis Sanctæ matris Eccleſiæ filiis, &c. dedi*——— *Omnes* Obventiones, *tam in decimis majoribus & minoribus, quam in aliis rebus de aſſartis de Wigenoc, & decimam pannagii & venationis de Wigenoc & de Rinſell, &c.* MS. penes Will. Dugdale, Mil.

Occaſio Is, according to *Spelman*, taken for an Impediment. In the Charter of Liberties of *Henry* the Firſt, we have theſe Words, *Quorum Regnum oppreſſum erat injuſtis* occaſionibus *& exactionibus*; and in *Chart. Foreſt. cap.* 12. *unuſquiſque liber homo de cætero ſine* occaſione *faciat in boſco ſuo vel in terra ſua*—— *molendina, vivaria, &c. Occaſio* is alſo taken for a Tribute which the Lord impoſed on his Vaſſals or Tenants. *Propter* Occaſiones *bellorum vel aliarum neceſſitatum.* And therefore,

Occaſionare Signifies to be charged or loaded with Payments. *Non propter hoc* occaſionentur *coram Domino Rege & Juſticiariis.* Stat. Ed. 2. Anno 21. So in *Fleta, Ita quod ipſi vigilatores non* occaſionentur. *Lib.* 1. *cap* 24. *par.* 7. *Lib.* 2. *cap.* 66. *par.* 18, 19. *Stat. Marlbridge, cap.* 11. and in the *Monaſt.* 2 *Tom. pag.* 916. *Foſſa claudi faciant, quod averia mea non poſſint tranſire & ſi tranſierint inde non* occaſionabo.

Occationes, (in ſome Authors corruptly written *Occaſiones*) Are *Aſſarts*, whereof *Manwood* ſpeaks at large; the Word is derived *ab Occando*, *i. e.* Harrowing or breaking Clods: See *Spelman's Gloſſary*, verbo *Eſſartum. Eſſarta vulgo dicuntur quæ apud Iſidorum* Occationes *nuncupantur.* Lib. Niger Scacc. par. 1. cap. 13.

Occupant, If Tenant *pur terme de auter vie* dies, living *Ceſtuy que vie*; he that firſt enters ſhall hold the Land during that other Man's Life. and he is in Law called an *Occupant*, becauſe his Title is by his firſt *Occupation*; and ſo if Tenant for his own Life, grant over his Eſtate to another, if the Grantee dies, there ſhall be an *Occupant. Co. on Lit. cap.* 6. *ſect.* 56. and *Bulſtrod's Rep.* 2 *par. fol.* 11, 12.

Occupation, *Occupatio*, Signifies the putting a Man out of his Freehold in Time of War, and is all one with *Diſſeiſin* in Time of Peace, ſaving that it is not ſo dangerous. *Co. on Lit. fol.* 249. Alſo Uſe or Tenure. So we ſay, ſuch Land is in the Tenure or *Occupation* of ſuch a Man, that is, in his Poſſeſſion. See *Terre-Tenant.* Alſo Trade or *Occupation*, 12 *Car.* 2. *cap.* 18. But *Occupations, in the Stat. de bigamis, cap.* 4. are taken for Uſurpations upon the King, and is when one uſurps upon the King, by uſing Liberties which he ought not. And as an unjuſt Entry upon the King into Lands or Tenements is an *Intruſion*, ſo an unlawful Uſing of Franchiſes is a *Uſurpation.* But *Occupations* in a larger Senſe, are taken for Purpreſtures, Intruſions and Uſurpations. See 2 *Inſt. fol.* 273.

Occupavit Is a Writ that lieth for him which is ejected out of his Land or Tenement in Times of War, as a Writ of *Novel diſſeiſin* lies for one ejected in Time of Peace. *Ingham, ſect. Brief. de Novel Diſſeiſin.*

Octave, *Octava*, The eighth Day following ſome peculiar Feaſts. See *Utas.*

Octopitanum Promontorium, *St. David's Head* in *Pembrokeſhire.*

Octo tales. See *Tales.* See *Bro. Tit.* Octo tales.

Odio & atia Is an old Writ mentioned in the Statute of *Weſtm.* 1. made 3 *E.* 1. *cap.* 11. And it was directed to the Sheriff, to enquire whether a Man committed to Priſon upon Suſpicion of Murder, be committed upon juſt Cauſe of Suſpicion, or only upon Malice. *Regiſter, fol.* 133. *Bracton, lib.* 3. *part* 2. *cap.* 20. And if upon Inquiſition it were found, That he was not Guilty, then there came another Writ to the Sheriff to bail him. But now that Courſe is taken away by the Statute of 28 *E.* 3. *cap.* 9. as appears in *Staundford, Pl. Cor. fol.* 77. and *Co. lib.* 9. *fol.* 56. and *Spelman*, verbo *Atia. Atia* was anciently written *Hatia*, or *Hatya*, for *Hate*, from the Saxon *Hatian*, To wax hot, to rage, alſo to hate; not *Atia, quia Malitia eſt acida*, as Sir *Edw. Coke* has it in his 9 *Rep. fol.* 506. and in 2 *Inſt. fol.* 42. See *Spelm.* on *Atia.*

Odonarium for *Donarium, i. e. Munus.*

Oeconomicus. This Word was uſed for the Executor of a laſt Will and Teſtament, as the Perſon who had the *Oeconomy* or fiduciary Diſpoſal of the Goods of the Party deceaſed——— *Per teſtamentum ſuum conſtituerat*——— *ut* Oeconomicus *illius Dominus* Georgius Winter *teſtamentum ſuum violavit.* Hiſt. Dunelm. apud Wharton Angl. Sacr. Part 1. pag. 784. See *Vicedomini.* Sometimes the Word is taken for an Advocate or Defender; as, *Summus ſecularium* Oeconomus, *& protector Eccleſiæ.* Mat. Pariſ. Anno 1245.

Offerthyrnedle, and **Offerthyrneſſa**, In the Council holden at *Winchester*, in the Time of Archbiſhop *Lanfranc*, *Anno* 1076. we read, *Si autem poſt excommunicationem & ſatisfactionem venerint, ſorisfacturam ſuam, quæ Anglice vocatur* Oferhyrneſſe

ſeu

ſeu Cahſſite, *pro unaquaque vacatione Epiſcopo ſuo reddant.* See Gloſſ. in 10. Scriptor. *verbo* Overherneſſa.

Offertorium, A Piece of Silk or fine Linen, to receive and wrap up the Offerings or occaſional Oblations in the Church. Hence in the Statutes of the Church of St. *Paul* in *London*, it was ordained, *Ut Sacriſta curet quod corporalia, pallæ, veſtimenta*, Offertoria *& abſterſoria munda ſint integra & nitida.*—— Ex libro Statut. Eccl. S. Pauli, Lond. MS. fol. 39. b. We are told by *Onuphrius Panvinus*, and from him by *Ludovicus de Lacerda*, Offertorium *eſſe ſindonem ſericeam, ſeu Lintamen, in quo fidelium oblationes reponebantur.* 'Tis a Word mentioned in a Viſitation of the Treaſury of the Church of St. *Paul*, *London*, *Anno* 1295, *viz.* Offertorium *ſtragulatum de rubro & viridi, &c.* Sometimes 'tis taken for the *Antiphona* or Singing at the Time when the Sacrament is adminiſtred:

Affectum ſpondet Chorus Offertoria *cantans.*

And ſometimes 'tis taken for the Offerings of the Faithful, and is the ſame with *Oblatio.*

Office, *Officium*, Doth ſignify not only that Function by Virtue whereof a Man hath ſome Employment in the Affairs of another, as of the King, or of another Perſon; but alſo an Inquiſition made to the King's Uſe of any Thing by Virtue of his *Office* who enquireth. And therefore we oftentimes read of an *Office* found, which is nothing elſe but ſuch a Thing found by Inquiſition made *ex Officio.* And in this Senſe it is uſed, 33 *H.* 8. 20. and in *Staundf. Prærog. fol.* 61. where to *traverſe an Office*, is to traverſe the Inquiſition taken of an *Office*, and in *Kitchin*, *fol.* 177. *To return an Office*, is to return that which is found by Virtue of the *Office.* See alſo the *New Book of Entries*, *Tit.* Office pur le Roy, and this is by a *Metonymy* of the Effect. And there be two Sorts of *Offices* in this Signification iſſuing out of the Exchequer by Commiſſion, *viz. An* Office *to entitle the King to the Thing enquired of*, and *an* Office *of Inſtruction*, for which ſee *Co.* 6. *Rep. fol.* 52. *Page's* Caſe. *Office in Fee*, is that which a Man hath to himſelf and his Heirs. 13 *E.* 1. *cap.* 25. *Kitch. fol.* 152. See *Clerk.*

Official, *Officialis*, Is a Word very diverſly uſed; for ſundry *Civilians* of other Countries, that write in theſe Days, apply it to ſuch as have the Sway of temporal Juſtice. *Egidius Boſſins in pract. crim. Tit.* De *Officialibus* corruptis, *&c.* But by the ancienter Civil Law it ſignifies him that is the Miniſter, or Apparitor of a Magiſtrate or Judge, *lib.* 1. *ſect. ſi quis ultro.* In the Canon Law, it is eſpecially taken for him to whom any Biſhop doth generally commit the Charge of his ſpiritual Juriſdiction, and in this Senſe one in every Dioceſe is *Officialis Principalis*, whom the Statutes and Laws of this Kingdom call *Chancellor*, 32 *H.* 8. 15. The Reſt, if they be more, are by the Canon Law called *Officiales Foranei*, *Gloſſ. in Clem.* 2. *de Reſcriptis*, but with us termed *Commiſſiaries*, *Commiſſarii*, or ſometimes *Commiſſarii Foranei.* The Difference of theſe two Powers you may read in *Lindewode*, Tit. *de ſequeſtra poſſeſſ. cap.* 1. *verbo* Officialis. But this Word *Official* in our Statutes and Common Law, ſignifies him whom the Arch-Deacon ſubſtituteth in the Executing of his Juriſdiction, as appears by the ſaid Statute.

Officiariis non faciendis vel amovendis Is a Writ directed to the Magiſtrates of a Corporation, willing them not to make ſuch a Man an Officer, and to put him out of the Office he hath, until Enquiry be made of his Manners, according to an Inquiſition formerly ordained. *Reg. Orig. fol.* 126.

Officium Curtagii Pannorum, Granted to *Will. Osborne.* Extract. Fin. Cancel. 2 E. 2. m. 18.

Ofgang-fordell: *Spelman* thinks it ſhould rather be read *Ofgang for Ordal*, i. *tranſitus ad ordalium. Eantque* (*rei*) *ad triplex judicium quod Angli* Ofgang-fordell *vocant.* Conſtit. Canuti Reg. de Foreſta, cap. 11.

Old-Town in *Herefordſhire.* See *Bleſtium.*

Oleron Laws, Or the Laws of *Oleron*, (*Leges Uliarenſes*) are ſo called, becauſe made when King *Richard* the Firſt was there, and have Reſpect to Maritime Affairs. *Co. on Lit. fol.* 260. This *Oleron* is an Iſland in the Bay of *Acquitain*, at the Mouth of the River *Charent*, now belonging to the *French* King. See *Selden's Mare Clauſum*, *fol.* 222 & 254. and *Prynn's Animadverſions* on *Co.* 4 *Inſt. fol.* 126.

Olla cereviſiæ, A Pot or Flaggon of Ale or Beer.—— *Et ſi braſient ad vendendum, dabit pro quolibet bracino unum denarium, vel* ollatam cereviſiæ, *tanti pretii pro tolneto.*—— Conſuetud. Domus de Farendon, MS. f. 9.

Olympiad, *Olympias*, The Space of five Years: *Ethelred*, King of the *Engliſh Saxons*, reckoned his Reign by *Olympiads*, as appears by a certain Charter of his, having theſe Words, *Conſentiens* (*inquit*) *ſigno ſanctæ Cruſis ſubſcripſi in* Olympiade 4. *Regni mei.* And this, by cotemporary Writers, ſeems to have been the ſixteenth Year of his Reign, and the Year of our Lord 994. or thereabouts. *Spelman.*

Oncunne, *i. e.* Accuſed. From the Saxon *Oncunnen*, *Accuſatus. Si quis alium Godhorgis* oncunna *& compellare velit, quod ei aliquid ipſorum non complevit perjuret, hoc in* 4 *Evangeliis fiat.* Leg. Alfred. cap. 29.

Oneath, *i. e.* the Knee.

Onerando pro rata portionis Is a Writ that lies for a Joint-tenant, or Tenant in Common, that is diſtrained for more Rent than his Proportion of the Land cometh to. *Reg. Orig. fol.* 182.

O. ni. In the Exchequer, as ſoon as a Sheriff enters into his Accounts, for Iſſues, Amerciaments, and mean Profits, they ſet upon his Head this Mark *O. Ni.* which denotes *Oneratur, niſi habet ſufficientem exonerationem*; and thereupon he forthwith becomes the King's Debtor, and a *Debet* ſet upon his Head, and then the Parties *Peravayle* become Debtors to the Sheriff and diſcharged againſt the King. *Co.* 4 *Inſt. fol.* 116.

Onus importandi, The Charge of *Importing*, mentioned 12 *Car.* 2. *Art.* 28.

Onus probandi, The Burden of proving, ſpoken of, 14 *Car.* 2. *cap.* 11. and ſeveral other Statutes.

Open Law, *Lex manifeſta ſeu apparens*, Is making *Law*, which, by *Magna Charta*, *cap.* 21. Bailiffs may not put Men unto upon their own bare Aſſertions, except they have Witneſs to prove the Truth thereof. See *Law.*

Opentheof,

Dventheof, Open Theft, That is, *open Theft. Quædam placita vel crimina emendari non poſſunt quæ ſunt* Husbreech, Bernet, Open Thef, Eberemord *and* Lafordſwick. *Leg. Hen.* 1. *cap.* 13. *Hoc in emendationibus* Williel. *pri.* Ran *dicitur*, ſaith *Spelman.*

Dperarii. In ancient Surveys and Accounts of Manors, we meet often with thoſe Tenants which were called *Operarii*; they were thoſe who had ſome little Portions of Land by the Duty of performing many bodily Labours, and other ſervile Works for their Lord, and were no other than the *Servi*, *Natives*, and *Bond-men.*

Dperatio, One Day's Work performed by any inferior Tenant to the Lord.—— *Homines de* Hedingdon *facient* Hugoni *& haredibus ſuis pro qualibet virgata terræ ſexdecim* Operationes, *videlicet, uno die inter Feſtum, &c.* Paroch. Antiq. p. 320.

Dperti Canes, Dogs with whole Feet not lawed.—— *Et debent habere* Canes Opertos (*ſeu* Operas) *ex omni genere Canum, & non impeditatos.* Cuſtumar. de Sutton Colfield.

Dpirus for *Autopyrus*, or *Opicus. Tritico deficiente panis eorum* Opirus *& mucidus, i. e.* The Bread is coarſe and muſty. *Matt. Pariſ. Anno* 1248.

Dppa. See *Blanhornum.*

Dption. When a new Suffragan Biſhop is Conſecrated, the Archbiſhop of the Province, by a cuſtomary Prerogative, does Claim the Collation of the firſt vacant Dignity or Benefice in that See, at his own Choice, which is therefore called the Archbiſhop's *Option.*

Dra. *Ego frater Nigellus Dei gratia Abbas Bertoniæ, dedi, in Capitulo noſtro, & omnes fratres mei mecum, terram de* Ocovere, Ormæ, *hac conventione, ut unoquoque anno nobis* xx Oras *perſolvat, & proinde factus eſt homo noſter. Sine dat.* This was *Saxon* Money or Coin, valued at ſixteen Pence a-piece, (often found in *Domeſday*,) and ſometimes, according to the Variation of the Standard, twenty Pence. *Homines de Berkholt in Com. Suff. dicunt quod tempore Regis Hen. Avi domini Regis nunc, ſolebant habere talem Conſuetudinem, quod quando maritare volebant filias ſuas, ſolebant dare pro filiabus ſuis maritandis duas* Oras, *quæ valent* xxxii *Denar.* Pla. coram Rege, Mich. 37 H. 3. Rot. 4. It was the ſame with our Ounce, which is valued at twenty Pence. This was the Opinion of *Spelman* and *Somner.* 'Tis a Word often mentioned in *Domeſday*, viz. *Tale manerium reddit* 30 *libras denariorum de* 20 *in* Ora. *In Leg. Canuti*, fifteen *Oræ* make a Pound, *cap.* 31.

Drando pro Rege & Regno. Before the Reformation, while there was no ſtanding Collect for a ſitting Parliament, as ſoon as the Houſes were met, they petitioned the King that he would require the Biſhops and Clergy to pray for the Peace and good Government of the Realm, and for a Continuance of the good Underſtanding betwixt his Majeſty and the Eſtates of his Kingdom. And accordingly the Writ *De Orando pro Rege & Regno* was common in *Edward* the Third's Time. Mr. *Nicholſon's Engl. Hiſtor. Libr. Part* 3. *p.* 66.

Drarium, The Hem or Border of a Garment. —Richardus de Bury *Epiſcopus* Dunelm. *dedit Eccleſiæ ſuæ veſtimentum de nigra cumica cum tribus capis ejuſdem ſectæ cum largis* Orariis *decenter ornatis.* Hiſt. Dunelm. apud Whartoni Angl. Sacr. Part 1. p. 766.

Drbis, *Anglice*, A *Bonney*, a Swelling or Knot in the Fleſh cauſed by a Blow. *Bract. lib.* 3. *Tit.* De Coronæ, *cap.* 23. *num.* 2.—— *Arma nioluta plagam faciunt, ſicut gladius, biſacuta & hujuſmodi; Ligna vero & lapides faciunt Bruſuras,* Orbes *& ictus qui judicari non poſſunt ad plagam.*

Drchel, (*Anno* 1 *Rich.* 3. *cap.* 8.) Orchal, (*Anno* 24 *Hen.* 8. *cap.* 2. and 3 & 4 *Edw.* 6. *cap.* 2.) ſeems to be a Kind of Cork, or rather a Kind of Stone like Allum, which Dyers uſe in their Colours.

Drdeffe or Drdelfe, *Effoſſio metalli*, Is a Word derived from the Saxon *Ore. Metallum*, and *Delſan, effodere*, and often uſed in Charters of Privileges, being taken for a Liberty, whereby a Man claims the *Ore* found in his own Ground, but properly is the *Ore* lying under Ground: As alſo a *Delfe* of Coal, is Coal lying in Veins under Ground, before it is digged up.

Drdel, *Ordalium*, Is a *Saxon* Word, compounded of *Or*, *magnum*, and *deal*, alias *dele*, *Judicium*, or as others, from *Or*, which in that Language is *privative*, and *del*, *part*, that is, *expers criminis*, or not Guilty; but is uſed for a Kind of Purgation practiſed in ancient Times, and in the Canon Law called *Purgatio vulgaris.* There were of this two Sorts, one by Fire, another by Water. Of theſe ſee Mr. *Lambard*, in his *Explication of* Saxon *Words*, verbo *Ordalium*: Of this you may read likewiſe *Holingſhed, fol.* 98. and *Hotoman* eſpecially, *Diſput. de Feud, pag.* 41. where, of five Kinds of Proofs, which he calleth *Feudales probationes*, he maketh this the Fourth, calling it *Explorationem, & hujus furioſæ probationis* 6. *genera fuiſſe animadvertit, viz. per flammam, per aquam, per ferrum candens, per aquam vel gelidam vel ferventem, per ſortes & per corpus Domini*, of all which he alledgeth ſeveral Examples out of Hiſtory, very worthy the Reading. See *Skene de* verbor. *ſignificat.* verbo *Machainum.* This ſeems to have been in Uſe in *Henry* the Second's Time, as appeareth by *Glanvile, lib.* 14. *cap.* 1, 2. See alſo *Verſtegan, cap.* 3 *pag.* 63. *&c.* See alſo *Hoveden* 556. This *Ordalian* Law was condemned by Pope *Stephen* the Second, and aftewards here totally aboliſhed by Parliament, as appears by *Rot. Paten. de Anno* 3 *Hen.* 3. *Membr.* 5.

HEnricus III. *Dei Gratia Rex, &c. dilectis & fidelibus ſuis* Philippo de Ulecot *& Soci i ſuis Juſticiariis itinerantibus in Comitatibus* Cumberland, Weſtmorland, & Lancaſter, *Salutem. Quia dubitatum fuit & non determinatum ante inceptionem itineris veſtri, quo judicio deducendi ſunt illi qui rectati ſunt de Latrocinio, Murdro, incendio, & hiis ſimilibus, cum prohibitum ſit per Eccleſiam Romanam* Judicium Ignis & Aquæ; *Proviſum eſt a Concilio noſtro, ad præſens, ut in hoc Itinere, ſic fiat de rectatis de hujuſmodi exceſſibus, viz. Quod illi qui rectati ſunt de criminibus prædictis majoribus, & de eis habeatur ſuſpicio quod culpabilis ſint de eo unde rectati ſunt (de quibus etiam licet Regnum noſtrum abjurarent adhuc ſuſpicio eſſet quod poſtea malefacerent) teneantur in Priſona noſtra, & ſalvo cuſtodiantur, ita quod non incurrant periculum vitæ vel membrorum occaſione priſonæ noſtræ. Illi vero qui mediis criminibus rectati fuerint, & quibus competeret Judicium Ignis vel Aquæ, ſi non eſſet prohibitum, & de quibus, ſi regnum noſtrum abjurarent, nulla fuerit poſtea malefaciendi ſuſpicio, Regnum noſtrum abjurent. Illi vero qui minoribus rectati fuerint criminibus,*

criminibus, nec de eis fuerit mali ſuſpicio, ſalvos & ſecuros plegios inveniant de fidelitate & pace noſtra conſervanda, & ſic dimittantur in terra noſtra. Cum igitur nihil certius providerit in hac parte Conſilium noſtrum ad præſens, relinquimus diſcretioni veſtræ hunc Ordinem prædictum obſervandum in hoc itinere veſtro, ut qui perſonas hominum, formam delicti, & ipſarum rerum veritatem melius cognoſcere poteritis, hoc Ordine ſecundum diſcretiones & Conſcientias veſtras in hujuſmodi procedatis, &c. In cujus Rei Teſtimonium, &c. Teſte Domino P. Wintonienſi Epiſcopo apud Weſt. 26 die Jan. Anno regni noſtri tertio. Per eundem & H. de Burgo *Juſticiarium.* See *Spelman* at large upon this Subject, *verbo* Ordalium, *Co. lib.* 9. *de ſtrata Marcella*, and the *Saxon Dictionary.* See Fire *Ordale*, and Water *Ordale.*

Ordels, *Oaths* and *Ordels*, Was Part of the Privileges and Immunities granted in old Charters, meaning the Right of adminiſtring Oaths, and adjudging *Ordeal* Trials within ſuch a Precinct or Liberty—— *Abbas & Conventus* Glaſton *per omnes terras ſuas habent ſocam & ſacam, hundred ſetene*, Othes & Ordels, *calde hordes, &c.* Chartular. Abbat. Glaſton. MS. f. 87. a.

Ordinale, A Book containing the Manner of performing Divine Offices; *In quo ordinatur Modus, &c.*

Ordinance of the Foreſt, *Ordinatio Foreſtæ*, Is a Statute made touching *Foreſt* Cauſes, in the Thirty-fourth Year of *Edw.* 1. See *Aſſiſe.*

Ordinance of Parliament, The ſame with *Act of Parliament.* And Acts of Parliament are called *Ordinances of Parliament* often in the Parliament-Rolls. If there be any Difference, it is, that an *Ordinance* is but temporary, and to be altered by the Commons alone. But an Act is a perpetual Law, and cannot be altered but by King, Lords, and Commons. See *Par. Roll.* 37 *E.* 3. num. 38. *Prynn's* Animadver. *in* 4 *Inſt.* 13. Yet the Oracle of the Law, Sir *Edw. Coke*, does with many Citations aſſert, that an *Ordinance of Parliament* is to be diſtinguiſhed from an *Act*, foraſmuch as the latter can be only made by the King, and a three-fold Conſent of the Eſtates, whereas the former is ordained with One or Two of them.

Ordinary, *Ordinarius*, Is a Civil Law-Term, and there ſignifies any Judge that hath Authority to take Cogniſance of Cauſes in his own Right, as he is a Magiſtrate, and not by Deputation; but in the Common Law, it is taken for him that hath exempt and immediate Juriſdiction in Cauſes Eccleſiaſtical, as appears in *Co. lib.* 9. *fol.* 36. *Henſloe's* Caſe. And the Statute of *Weſtm.* 2. *cap.* 19. 31 *E.* 3. *cap.* 11. and 21 *H.* 8. *cap.* 5. *Co.* 2 *Inſt. cap.* 19. See *Broke, hoc tit.* and *Lindewode* in cap. *Exterior.* Tit. *De conſtitutionibus*, verbo *Ordinarii*, ſaith, *Ordinarius habet locum principaliter in Epiſcopo, & aliis ſuperioribus, qui ſoli ſunt univerſales in ſuis juriſdictionibus, ſed ſub eo ſunt alii* Ordinarii, viz. *quibus competit Juriſdictio* ordinaria *de jure, privilegio, vel conſuetudine, &c.*

Ordination contra ſervientes Is a Writ that lieth againſt a Servant, for leaving his Maſter againſt the Statute. *Reg. Orig. fol.* 189.

Ordines, A general Chapter, or other ſolemn Convention of the Religious of ſuch a particular Order —— *Et in ſolutis Fratribus* Roberto Lawton & Willielmo Meriton *pro ſuis expenſis verſus* ordines *exiſtentes apud* Hygham Ferres *ante Feſtum* S. Michaelis *hoc anno* vii *Sol.* Paroch. Antiquit. p. 576.

Ordines majores & minores, The Holy Orders of Prieſt, Deacon, and Sub-Deacon, any of which did qualify for Preſentation and Admiſſion to an Eccleſiaſtical Dignity or Cure, were called *Ordines majores*; and the inferior Orders of Chantor, Pſalmiſt, Oſtiary, Reader, Exoreiſt, and Acolyte, were called *Ordines minores:* For which the Perſons ſo ordained had their *Prima Tonſura* different from the *Tonſura Clericalis.*

Ordinum Fugitivi. Thoſe of the Religious who deſerted their Houſes, threw off their Habit, and ſo renounc'd their partieular Order, in Contempt of their Oath and other Obligations. The Favouring and Protecting ſuch Fugitives was charged on *Thomas*, Earl of *Lancaſter*—— Ordinum fugitivos, *legiſque tranſgreſſores, ne lege plecterentur, pertinaciter favere.*—Paroch. Antiquit. p. 388.

Ordo Is taken for that Rule which the Monks were obliged to obſerve. *In Eadmer. vita S. Anſelmi, cap.* 77. *Hæc & his ſimilia Novitius dicit, dum* Ordo *imprimis illi gravis videtur.*

Ordo Albus, The White Friers. Theſe were of the Order of St. *Auguſtine.* The *Ciſtertians* alſo wore White. Of the Black Monks I find it thus verified:

Sunt tria nigrorum quæ vaſtant res Monachorum,
Renes & venter, & pocula ſumpta frequenter.

Ordo niger, The Black Friers. *Sub norma Benedicti famulantes*; as *Ingulphus* tells us, *pag.* 851. and *Mat. Pariſ. pag.* 321, 514. The *Cluniacs* alſo wore Black.

Ordovices, *North Wales.*

Orea. —*Et unum Meſſuagium ad* Orea *ſua facienda.* Mon. Angl. 2 Vol. fol. 265. a.

Oreſt, In the Charter of *Henry* the Firſt, to the Church of St. *Peter* in *York* —— *Decanus & Capitulum habebant curiam ſuam & juſtitiam cum ſocco & ſacca, Thol & Theam & Infangentheof, & Utfangenthef, Flemenefrith, Ordel, &* Oreſt *infra tempus & extra, cum omnibus aliis immunitatibus,* &c. MS.

Orreum, *Horreum*, A Barn ——*Et unum Meſſuagium ad* Orea *ſua facienda*, 2 Vol. Dug. Monaſt. 265. a.

Orfgild, alias **Cheapgeld**, (from the Saxon *Orf, Pecus*, and *Gild, ſolutio vel Redemptio,*) Is a Delivery or Reſtitution of *Cattle.* But *Lambard* ſays, 'tis a Reſtitution made by the Hundred or County, of any Wrong done by one that was in Pledge. *Archa. pag.* 125. Or rather a Penalty for Taking away of *Cattle.*

Orfraies, (*Aurifriſium*, i. e. *Veſtis acupicta aureis filis*), Frizled or embroidered Cloth of Gold, made and uſed in *England*, both before and ſince the Conqueſt, worn by our Kings and Nobility, as appears by a Record in the Tower, where the King commands the *Templers* to deliver ſuch Jewels, Garments, and Ornaments, as they had of his in Keeping, among which he names *Dalmaticum velatum de Orefreis, i. e.* a Dalmatick, or Garment, guarded with *Orfraies.* And of old the Jacquets or Coat-armours of the King's Guard were alſo termed *Orfraies*, becauſe adorn'd with ſuch Goldſmith's Work.

Orgallous, But more truly *Orguillous*, that is, proud and high minded; derived from the French *Orgueil*, i. e. *Pride.*

Orgeys, 32 *E.* 2. *Stat.* 3. *cap.* 3. Is the greateſt Sort of *North-Sea* Fiſh, (for the Statute ſays they are greater than Lob fiſh) which we now call

call *Organ-Ling*, corruptly from *Orkney-Ling*, becauſe the beſt are near that Iſland.

Orgilde, *i. e.* Without Recompence. The Meaning is, where no Satisfaction was to be made for the Death of a Man killed; that is, he was lawfully ſlain. *Si hoc inveritet, jaceat* Orgilde.

Originalia. In the Treaſurer's Remembrance Office, in the Exchequer, are Records or Tranſcripts ſent thither out of the Chancery, and are diſtinguiſh'd from *Recorda*, which contains the Judgments and Pleadings in Suits tried before the Barons of that Court.

Oriolum, *i. e.* A Porch or Court-yard. *Niſi in refectorio vel* Oriolo *pranderet.* Mat. Pariſ. 1251.

Orlagium, *Horologium*, A Dial. *In compotis Eccleſiæ S.* Paulinæ, London——*Cuſtodi* Orlagii *per annum* 1 *Marc.*——Ex libro Statut. *Eccl.* Paul. London. MS.

Orped. Some *Orped* Knight, *i. e.* A Knight whoſe Clothes ſhined with Gold.

Orteli Is a Word uſed in the Book termed *Pupilla oculi*, cap. *De Chart. Foreſt.* part 5. cap. 22. and ſignifies the Claws of a Dog's Foot, being taken from the French *Orteils des pieds*, i. e. *digiti pedum*, the Toes.

Ortolagium——*Pro uno* Ortolagio *& Nona garba totius Lucrationis de Domino de B. Monaſt. Angl. Tom.* 1. A Garden-Plot.

Oryal, *Oriolum*——*Ordinatio pro victu Fratris* Johannis Aſsheli *dudum Prioris de* Daventre *facta* 22 Octob. 1420.——*Habeat cameram quandam in eodem Prioratu vulgariter appellatam* Iy Oryal——*Et habeat annuatim* 40 *Sol.*——Collectan. Matth. Hutton, S. T. P. *Ex Regiſtris* Ric. Flemmyng, *Ep.* Line. MS.——*Adjacet atrium nobiliſſimum, quod porticus vel* Oriolum *appellatur.* Mat. Pariſ. in vitis Abb. S. Albani. We may juſtly preſume that *Oriel* or *Oryal* College in *Oxford* took Name from ſome ſuch Room, or Portico, or Cloiſter.

Oſculum pacis. It was a Cuſtom formerly in the Church, that in the Celebration of the Maſs, after the Prieſt had conſecrated the Wafer, and ſpoke theſe Words, *viz. Pax Domini vobiſcum*, that the People kiſſed each other; and this was called *Oſculum pacis.* Afterwards, when this Cuſtom was abrogated, another was introduced, *viz.* That whilſt the Prieſt ſpoke theſe Words, a Deacon or Subdeacon offered the People an Image to kiſs, which was commonly called *Pacem.* We read it in *Mat. Pariſ. Anno* 1100. *Regem duxerunt ad offerendum & iterum reduxerunt ad pacem.*

Oſmonds, or **Oſemunds**, (*Anno* 32 *Hen.* 8. *cap.* 14. and I find in *Spelman's Gloſſ.* Mention of a Laſt of *Oſmonds,*) Is a Kind of Ore, or Iron-ſtone, aſſuming the Nature of Iron, and it ſeems was anciently brought into *England.*

Oſtenſio Was a Tribute paid by Merchants for Leave to ſhew or expoſe their Goods to Sale in Markets. *Qui per terras ibant* oſtenſionem *dabant & teloneum.* Leg. Ethelred. cap. 23.

Oſtium Garionis, *Yarmouth.*

Oſwald's Law, By which was meant the Ejecting marry'd Prieſts, and Introducing Monks into Churches, by *Oſwald* Biſhop of *Worceſter*, *Anno* 964.

Oſwald's Law Hundred Is an ancient Hundred in *Worceſterſhire*, ſo called of *Oſwald*, Biſhop of *Worceſter*, who obtained it of King *Eadgar*, to be given to St. *Mary's* Church there. It comprehends 300 Hides of Lands, and is exempt from the Juriſdiction of the Sheriff. *Cam. Brit.* Tit. *Worceſterſhire.* See the Charter in *Spelm. Councils*, 1 *Tom. fol.* 432. and the *Leiger-Book* of *Worceſter in Bibl. Cotton.*

Oſwaſtre, A Town in *Shropſhire*, ſo called from St. *Oſwald*, who was overcome in Battle, and killed there by *Penda.*

Otho Was a Deacon-Cardinal of St. *Nicholas, in carcere Tulliano*, a Legate for the Pope here in *England*, 22 *H.* 3. whoſe Conſtitutions we have at this Day. *Stow's Annals*, pag. 303.

Othobonus Was a Deacon-Cardinal of St. *Adrian*, and the Pope's Legate here in *England*, 15 *H.* 3. as appeareth by the Award made betwixt the ſaid King and his Commons at *Kennſworth*; his Conſtitutions we have at this Day in Uſe.

Ouch, 24 *H.* 8. 13. A Kind of Collar of Gold, worn by Women about their Necks. It is ſometimes alſo uſed for a Boſs or Button of Gold ſet with ſome rich Stone.

Ouelty of Services Is Equality of Services; as, when the *Tenant Paravail* owes as much to the *Meſn*, as the *Meſn* does to the *Lord Paramount. Fitz. Nat. Br. fol.* 136. So *Owelty of Partition.* Coke on Littl. fol. 169.

Over. Words which begin or end with *Over*, and are Names of Places, ſignify a Situation near the Bank of ſome River; from the Saxon *Ofer*, *Ripa*; as, St. *Mary-Over* in *Southwark*, *Brownſover* in *Warwickſhire.*

Overcepted Is a *Saxon* Word, and ſignifies a Perſon convicted of a Crime: From the Sax. *Ofer*, *Super*, and *Cythan*, *offendere.* 'Tis mentioned in the Laws of *Edw. apud Brompton*, *p.* 836.

Overherniſſa, *i. e.* A Contumacy or Contempt of the Court. Sometimes it ſignifies a Forfeiture for ſuch Contempt. In the Laws of *Adelſtan*, *c.* 25. it ſignifies Contumacy, *viz. Si quis Gemotum adire ſuperſedeat, ter emendet* Overherniſſam. In a Council held at *Wincheſter*, *Anno* 1027, it ſignifies a Forfeiture for ſuch a Contempt, *viz. Si autem (tertio vocati) poſt excommunicationem ad ſatisfactionem venerint, foriſfacturam ſuam quæ Anglice vocatur* Overſeweneſſe *ſeu* Laſhlite, *pro unaquaque vocatione Epiſcopo ſuo reddant.* See *Leg. Æthelred. cap.* 27.

Overſameſſa, *Si quis furi obviaverit, & ſine vociferatione gratis eum dimiſerit, emendet ſecundum* Weram *ipſius furis, vel plena* lada *ſe adlegiet, quod cum eo falſum neſcivit: Si quis audito clamore ſuperſedit, reddat* Overſameſſa *regis, aut plene ſe laidiet.* Lib. rub. cap. 36. This ſeems to have been an ancient Penalty or Fine (before the Statute for *Hue* and *Cry*) laid upon thoſe, who, hearing of a Murder or Robbery, did not purſue the Malefactor. 3 *Inſt. fol.* 116.

Overt Act, *Factum apertum*, An open Act, *Co.* 3 *Inſt. fol.* 12. which muſt be manifeſtly proved.

Overt Word, An open plain Speech; derived from the French *Ouvert*, *open*, Anno 1 *Mar. Seſſ.* 2. *cap.* 3.

Oviale for *Ovile.* Matt. Pariſ. ſub anno 1354.

Ourlop, The *Leirwite* or Fine paid to the Lord by the inferior Tenant, when his Daughter was corrupted or debauched.——*Nativi in villa de* Wridthorp——*ſolvit quilibet pro filiabus ſuis maritandis gerſom Domino, &* Ourlop *pro filiabus correptis, &* Stoth *& alia ſervitia & auxilium.* Petr. Bleſ. Contin. Hiſt. Croyland, p. 115.

Ouſted, Derived from the French *Oſter*, to remove, as *ouſted* of the Poſſeſſion, that is, removed or put out of Poſſeſſion. *Mich.* 9 *Car.* 1. *Cro.* 3 *Rep. fol.* 349. *Pocke's* Caſe.

Ouſter le maine, *Amovere manum*, Signifies to take off the Hand, though in true French it ſhould be *Ouſter la main*; in a legal Senſe, it denotes a Judgment given for him that traverſed or ſued *a Monſtrans le droit*, and is indeed a Delivery of Lands out of the King's Hands; for when it appeareth upon the Matter diſcuſſed, that the King hath no Right or Title to the Thing ſeiſed, then Judgment ſhall be given in the Chancery, That the King's Hands be amoved, and thereupon an *Amoveas manum* ſhall be awarded to the Eſcheator, which is as much as if the Judgment were given, that he ſhall have again his Land. *Staundf. Prærog. cap.* 24. See 28 *E.* 1. *Stat.* 3. *cap.* 19. It was alſo taken for the Writ granted upon this Petition. *F. N. B. fol.* 256. It is written *Outer le maine.* 25 *H.* 8. 22. But now all Wardſhips, Liveries, Primer Seiſins, and *Ouſter le mains*, &c. are taken away and diſcharged by 12 *Car.* 2. *cap.* 24.

Ouſter le mer, *Ultra mare*, Is a Cauſe of Excuſe or Eſſoin, if a Man appear not in Court upon Summons, for that he was then beyond the Seas. See *Eſſoin.*

Outfangthef Is thus defined by *Bracton, lib.* 3. *tract.* 2. *cap.* 34. Utfangthefe *dicitur latro extraneus veniens aliunde de terra aliena, & qui capus fuit in terra ipſius qui tales habet libertates:* But *Britton* hath it otherwiſe, *fol.* 91. It is a Compound of Three Saxon Words, *viz. Out, extra*; *Fang, capio vel captus*, and *Thef*, i. e. *fur.* It is uſed in the Common Law for a Liberty or Privilege, whereby a Lord is enabled to call any Man dwelling within his own Fee, and taken for Felony in any other Place, and to Judge him in his own Court. *Raſtall's Expoſition of Words*, and 1 & 2 *Ph. & Mar. cap.* 15.

Outland, The Saxon *Thanes* divided their *Bocland* or hereditary Eſtate into *Inland*, ſuch as lay neareſt to their own Dwelling, and which they conveniently kept to their own Uſe: And *Outland*, which lay beyond, or out from among the *Inlands* or Demains: And was granted out to any Tenant hereditarily, but (like our Copyholds of ancient Time, which had their Original from hence) meerly at the Pleaſure of the Lord. This *Outland* they ſubdivided into Two Parts, whereof one Part they diſpoſed among ſuch as attended on their Perſons either in War or Peace, called *Theodens* or leſſer *Thanes*. The other Part they allotted to their Husbandmen, whom they termed *Ceorls* (i. e. *Carles* or *Churls*). Vide *Spelman* of *Feuds, cap.* 5.

Outlaw, *Utlagatus*, One deprived of the Benefit of the Law, and out of the King's Protection, *Fleta, lib.* 1. *cap.* 47. calls him *Bannitum extra legem*, and *Bracton, lib.* 3. *tract.* 21. *cap.* 11. *num.* 1. & 3. ſays, *Forisfacit utlagatus omnia quæ pacis ſunt, quia a tempore quo utlagatus eſt caput gerit Lupinum, ita quod ab omnibus interfici poſſit & impune; maxime ſi ſe defenderit vel fugerit, ita quod difficilis ſit ejus captio:* But in the Reign of *Edward* the Third, all the Judges agreed, That none but the Sheriff only, having lawful Warrant therefore, ſhould put to Death any Man *outlawed. Co. on Lit. fol.* 128 See *Utlawry*, and *Capias utlagatum.*

Outlawry, *Utlagaria*, Is the Loſs of the Benefit of a Subject, that is, of the King's Protection. See *Utlawry.*

Outparters, (*Anno* 9 *H.* 5. *cap* 8.) A Kind of Thieves in *Riddeſdale*, that ſtole Cattel, or other Things without that Liberty: Some are of Opinion, That thoſe which in the forenamed Statute are termed *Outparters*, are now called *Outputers*, being ſuch as ſet Matches for the Robbing any Man or Houſe. See *Intakers.*

Outriders, Are Bailiffs errant, employed by the Sheriffs, or their Deputies, to *ride* to the fartheſt Places of their Counties or Hundreds, with the more Speed to ſummon ſuch as they thought good, to their County or Hundred Courts. 14 *E.* 3. *Stat.* 1. *cap.* 9.

Outwaile, *i. e.* A mournful Thing; as, *Now am I made an unworthy* Outwaile.

Owdel. See *Ordeal.*

Owelty Is, when there is Lord, Meſne, and Tenant, and the Tenant holds of the Meſne by the ſame Service that the Meſne holds over of the Lord above him; this is called *Owelty* of Services. See *Ovelty.*

Oxgang of Land, *Bovata terræ.* Six *Oxgangs of Land* is ſo much as Six Oxen can plough. *Cromp. Jur. fol.* 220. But an *Oxgang* ſeemeth properly to be ſpoken of ſuch *Land* as lieth in Gaynour. *Old. Nat. Brev. fol.* 117. *Skene* de verb. *ſignif.* verbo *Bovata terræ*, ſaith, That an *Oxengate of Land* ſhould always contain Thirteen Acres, and that Four *Oxengates* extend to a Pound *Land. Spelman* ſays, *Bovatus terræ eſt quantum ſufficit ad iter vel actum unius bovis.* Ox *enim eſt bos* & gang *vel* gate, *iter.* See *Co. on Lit. fol.* 69. In *Lincolnſhire* they corruptly call it an *Oskin of Land.*

Oyer Seems to have been anciently uſed for what we now call *Aſſiſes.*——*Come Hawiſe de Veer moy impleda devant Juſtices en le* Oyer *de Chelmsford par un brief de Novel Diſſeiſin, &c.* Anno 13 Edw. 1. See *Aſſiſe de Novel Diſſeiſin.*

Oyer and Terminer, *Audiendo & terminando:* In true French, *Ouir & Terminer*, Is a Commiſſion eſpecially granted to ſome eminent Perſons, for the Hearing and Determining one or more Cauſes: This formerly was uſed only upon ſome ſudden Outrage or Inſurrection in any Place, *Cromp. Jur. fol.* 131, 132. *Weſtm.* 2. *cap.* 29. 13 *E.* 1. by which you may ſee who might grant this Commiſſion, and for the Form thereof, and to whom it may be granted, *F. N. B. fol.* 100. and *Broke, hoc tit.* A Commiſſion of *Oyer* and *Terminer* is the firſt and largeſt of the Five Commiſſions by which our Judges of Aſſize do ſit in their ſeveral Circuits. In our Statutes it is often printed *Oyer* and *determiner.* See 4 *Inſt. fol.* 162.

Oyer de Record, (*Audire Recordum*), Is a Petition made in Court, that the Judges, for better Proof-ſake, will be pleaſed to *hear* or look upon any *Record.* So likewiſe to demand *Oyer* of a Bond, Deed or Covenant.

O yes, Corrupted from the French *Oyez*, i. e. *Audite*, Hear ye, is known to be uſed by our Cryers, as well in Courts as elſewhere, when they make Proclamation of any Thing.

P.

Paagium, *Matt. Pariſ.* fol. 767. *Fecit equos meos & homines reſtare donec* Paagium *extorſiſſet. Spelman* thinks it ſhould be read *Paſſagium ſive telonium exactum pro tranſitu per alterius ditionem.*

Pacabilis, Payable, paſſable.—— Johannes de Elvlee, *Prior de* Kirkham *habet unum Palfridum & unum ſummarium pro ſe, ad quorum prebendam recipiet duodecim quarteria bonæ & pacabilis averiæ, & ſufficientem*

ſufficientem equitaturam pro Capellano ſuo. xj. Kal. Jun. 1310. Ex Regiſt. *Grenefeld*, Archiep. Ebor. *MS.*

Pacare, To pay. As, *tolnetum pacare*, to pay Toll. *Mon. Angl. Tom. I. p.* 384. Hence

Pacatio, Payment.——*Pannos ſericos & alia rapit ſine* pacationis *retributione.* Mat. Pariſ. ſub Anno 1248.

Paccatur. Leg. Inæ, cap. 45. *Et recipiet Agenfrida corium ejus, & carnem, &* paccatur *de cætero*; *i. e.* Let him be free or diſcharged for the Time to come.

Pacification (*Pacificatio*), *Anno* 17 *Car. I. c.* 17. A Peace-making, Quieting, or Appeaſing; relating to the Wars betwixt *England* and *Scotland*, Anno 1638.

Pack of Wool Is a Horſe-load, which conſiſts of Seventeen Stone, and Two Pound. *Fleta, l.* 2. *cap.* 12. See *Sarplar.*

Packers Are thoſe that barrel, or *pack* up Herrings, and they are ſworn to do it according to the Statute made 15 *Car.* 2. *cap.* 14.

Packing Whites, A kind of Cloth ſo called, mentioned 1 *R.* 3. *cap.* 8.

Padnage. *Idem quod* Pannagium. *Vid. Chartam Regis Hen.* 1. *Eccleſiæ S. Martini de Bello.*

Paguments, A Frize Cloth, mentioned in the Journal-Book of the Houſe of Lords, in a Statute made 1 *Eliz.* not printed.

Pagus. This Word in old Records ſignifies a County, *viz. Natus eſt Ælfred Rex Anglo-Saxonum in villa Regia quæ dicitur Wanading* (now *Wantage*) *in illo* pago *qui nominatur Baroſcire* (now *Berkſhire*) *qui* pagus *taliter vocatur a Barroc ſilva, ubi buxus abundantiſſime noſcitur:* Aſſer, de Reb. geſt. Anglor.

Paiarr, *i. e.* To pay. In *Stat. W.* 2. *cap.* 46. *Honeſtius eſt quod Prælati* paiant *pro ſuperiori indumento, quam exeunt.*

Paine fort & dure, *Pœna fortis & dura.* It ſignifies an eſpecial Puniſhment for thoſe that being arraigned of Felony, refuſe to put themſelves upon the ordinary Trial of God and the Country, and thereby are mute by the Interpretation of the Law. *Britton* mentions it in his fourth Chapter, *fol.* 11. And *Staundford* in his Pleas of the Crown, founding it upon the Statute of *Weſtm.* 1. *cap.* 12. deſcribes it thus:

> *He ſhall be ſent back to the Priſon whence he came, and laid in ſome low, dark Houſe, where he ſhall lie naked on the Earth, without any Litter, Ruſhes, or other Clothing, and without any Rayment about him, but only ſomething to cover his privy Members: And he ſhall lie upon his Back with his Head covered and his Feet, and one Arm ſhall be drawn to one Quarter of the Houſe with a Cord, and the other Arm to another Quarter; and in the ſame Manner let it be done with his Legs; and let there be laid upon his Body Iron and Stone as much as he may bear, or more; and the next Day following he ſhall have three Morſels of Barley bread without Drink, and the ſecond Day he ſhall have Drink three times, as much at each Time as he can drink of the Water next unto the Priſon, except it be running Water, without any Bread: And this ſhall be his Diet till he die.*

This Kind of Puniſhment, called by the Law *Paine fort & dure*, is that which we vulgarly call *Preſſing to Death.*

Pais, A County, or Region; *Trial per Pais*, which, *Spelman* in his *Gloſſary* ſaith, *Non intelligendum eſt de quovis populo, ſed de compagenſibus, hoc eſt eorum qui ex eodem ſunt comitatu, quem majores noſtri pagum dixere & incolas; inde* pais, *g in i vel y converſo.*

Paiſſo, Paſnage, or Liberty for Hogs to run in Foreſts or Woods to feed on Maſt——*In Achelieia* 30 *Acras terræ &* paiſſonem *centum porcorum, & communem paſturam, &c.* Mon. Angl. Tom. I. p. 682. See *Peſſuna.*

Palagium Is a Duty to the Lords, for exporting and importing Veſſels of Wine in any of their Ports, *viz. Quieti de omni teloneo & paſſagio, paſnagio, cohuagio,* pallagio, *&c.* Du Cange.

Palatine. See *County-Palatine*; and read *Caſſan. de Conſuetud.* Burg. pag. 14.

Palfrey, *Palfredus, Palafredus, Palefredus, Palifredus*, Is one of the better Sort of Horſes uſed by Noblemen or others, for State: And ſometimes of old taken for a Horſe fit for a Woman to ride. *Cambden* ſays, That *W. Fauconberge* held the Manor of *Cukeny* in the County of *Nottingham*, in Sergeanty, by the Service of ſhooing the King's *Palfrey*, when the King ſhall come to *Mansfeld.* See *Co. on Lit. fol.* 149.

Palfrey Silver. *Cuſtumam ibidem* (ſpeaking of *Belvoir* Caſtle) *vocant* Palfrey Silver, *quæ levari debet annuatim de villis de* Batelsford, Normanton, Herdeby, *&c. Eſcaet.* 23 *E.* 3. *Poſt mortem* Gel. *de* Roos *de* Hamlake.

Palitea, a Park-Pale. Q. *Elizabeth* granted *Wignor* Park to *Tho. Crompton*, and others, *cum omnibus* paliceis, *muris, &c.* Pat. 43 Eliz. p. 4.

Palingman (*Anno* 22 *Ed.* 4. *c.* 23. and 11 *H.* 7. *cap.* 23.) Seems to be a Merchant Denizen, one born within the *Engliſh Pale.* But Dr. *Skinner* judges it to ſignify a Fiſhmonger, or Merchant of Fiſh; and I find the Word mentioned in an ancient MS. touching the Cuſtoms of the City of *London*, under the Title *De Salmonibus vendendis. Spelman* mentions this Word, but leaves it without Interpretation.

Palla, A Canopy.——*Cuſtodibus vero quinque portuum* pallam *ſuper Regem cum quatuor haſtis ſupportantibus.* Mat. Par. ſub Anno 1236. The Word was oft taken for an Altar-cloth, as——Henricus *Abbas* Glaſton. *temp.* Hen. 1. *dedit Eccleſiæ iſti ornamenta ſatis pretioſa, videl.* pallas ix. *optimas, quarum quædam erant de diaſpre, quædam de ſanito.* Chartular. Glaſton. MS. f. 12.

Pallicia, Pales, or paled Fence.——*Firmarii maneriorum Eccleſiæ S.* Pauli, London, *curare tenentur——ut maneria ſufficienter circumclaudantur vel ambiantur muro, vel ſaltem foſſatis & hagis vivis, ſi fieri poſſit, alioquin ſepibus vel* palliciis *opportune renovandis.* Statut. Eccl. Paul. Lond. MS. f. 44. b.

Pallio cooperire. It was a Cuſtom formerly, That where Children were born out of Wedlock, and their Parents afterwards intermarried, that thoſe Children, together with the Father and Mother ſtood under a Cloth extended whilſt the Marriage was ſolemnized, which was in the Nature of Adoption, and ſignified a Legitimation. This is mentioned in an Epiſtle of *Robert Groſthead*, the famous Biſhop of *Lincoln*, who tells us, That it was an old Report, that by ſuch Cuſtom the Children were taken to be legitimate; and that *in ſignum legitimationis nati ante matrimonium conſueverunt poni ſub* pallio *ſuper parentes eorum extento in matrimonii ſolemnizatione:* Which Epiſtle is mentioned by Mr. *Selden*, in his Notes upon *Fleta*, who likewiſe tells us, That in the Reign of *R.* 2. the Children of *John* of *Gaunt*, Duke of *Lancaſter*, which he had before his Marriage by *Catherine*

Swinford, tho' they were made legitimate by Act of Parliament, yet they were covered with the *Pall* at the very Time of the Marriage of their Parents.

Pallium Is in many Places taken for the Silk with which Garments were made: 'Tis a Word often mentioned in our old Hiſtorians, but little underſtood at this Time. *Durandus*, in his *Rationale*, tells us, that it is made of white Wool, *viz.* The *Nuns* of St. *Agnes* every Year, on the Feaſt-Day of their Saint, offer two white Lambs on the Altar of their Church, whilſt they ſing *Agnus Dei* in a ſolemn Maſs; which Lambs are afterwards taken by two of the Canons of the *Lateran* Church, and by them given to the Pope's Subdeacons, who put them to Paſture till Shearing-time, then they are ſhorn, and the *Pall* is made with their Wool mixed with other white Wool. 'Tis a Garment of three Fingers Breadth, cut round, that it may cover the Shoulders: It hath two Strings on each Side, before and behind; that on the right Side is ſingle, but that on the left is double. It hath likewiſe four purple Croſſes on the Right and Left, before and behind; and 'tis faſtened with three Pins made of Gold, whoſe Heads are *Saphire*. The *Pall* thus made, is carried to the *Lateran* Church, and there placed on the High Altar by the Deacons of that Church, on the Bodies of St. *Peter* and St. *Paul:* And after the uſual Watching, 'tis carried away in the Night, and delivered to the Subdeacons, who lay it up very ſafe.

And becauſe it was taken from the Body of St. *Peter*, it ſignifies the Plenitude of Eccleſiaſtical Power, and therefore it was the Prerogative of Popes, who pretend to be the immediate Succeſſors of that Saint, to inveſt other Prelates with it, which at firſt was done no where but at *Rome*; but afterwards, by Procuration, in other Places in this Form, *viz. Inſtanter, inſtantius & inſtantiſſime in Conſiſtorio a ſummo Pontifice expetitum.*

Palls, *Pallia*, 25 *H.* 8. 20. Are Veſtures made of Lambs Wool, in Breadth not exceeding three Fingers; and having two Labels hanging down before and behind, which the Pope gives or ſends to Archbiſhops and Metropolitans, who wear them about their Necks, at the Altar, above their Ornaments. The *Pall* was firſt given to the Biſhop of *Oſtia*, by Pope *Marcus* the Second, *Anno* 336. And the *Preface* to an antient Synod here in *England*, wherein *Odo*, Archbiſhop of *Canterbury* preſided, begins thus——*Ego* Odo *humilis & extremus, divina largiente clementia, almi Præſulis &* Pallii *honore ditatus*, &c. Selden's *Hiſtory of Tithes*, *pag.* 17. See more of this in *Spelman's Gloſſary*, verbo *Pallium*. See *Creſſy's* Church Hiſtory, fol. 972. and the Book called *Blamyr* in the Prerog. Office; and Sir *Rog. Twiſden's Hiſt. Vindication*, *fol.* 41.

Palmale Hordeum.—— *H. Prior Eccleſiæ Chriſti* Cant. & *Conventus dimiſerunt Alano de Pundherd molendinum in Rokinge——reddendo inde per annum de feodi firma ſex ſummas* ordei palmalis *pretii melioris ordei exceptis duobus denariis——Dat. Anno* 1287. Reg. Eccl. Chriſti Cant. *MS.* This *Palm-Barley* is the Sprat-Barley, called in ſome Parts Beer-Barley, in others Battled-Barley, and in the Marches of *Wales*, *Cymridge*: It is fuller and broader than common Barley.

Palmata, A Handful. *Johannes Rex. Sciatis nos pro amore Dei conceſſiſſe——Leproſis* S. Egidii *de* Salopesbiria, *quod habeant* Palmatas *bladi & farinæ de omnibus ſaccis, qui cum blado & farina exponuntur ad vendendum in mercato* Salopesbiriæ, *tam diebus mercati, quam aliis, ſicut eas habuerunt tempore* Henrici *Regis, Patris noſtri, de dono & eleemoſyna ejuſdem Regis, ſc. de unoquoque ſacco bladi* Palmatam *duarum manuum, & de ſacco farinæ* Palmatam *unius manus, ſicut eas habuerunt de dono & eleemoſyna prædicti Regis, diebus ſuis, & ſicut eas modo habent & habere debent. Quare volumus*, &c. *Dat. per manum S. Præpoſiti* Beverlaci, *& Archid.* Wallenſis *apud* Wodeſtoke, *xix die Marcii, Anno Regni noſtri Quinto.*

Palmata, alias Palmada, A Blow upon the Hand with a *Ferula*, a Thing frequently uſed in Schools. *Beda de remedio peccatorum*, cap. 14. *Si quis intinxerit manum in aliquo cibo, & non idonea manu, centum* Palmadis *emendetur.*

Palmers Are ſuch as uſed to go in Pilgrimage out of Devotion; but of late Time, he that can deceitfully cozen at Cards or Dice, by keeping ſome of them in his Hands unſeen, we call a *Palmer.*

Palmeſtry, (1 *P. & M. cap.* 4.) A Kind of Divination, practiſed by looking upon the Lines and Marks of the Fingers and Hands. This was practiſed by the *Egyptians*, mentioned in the ſaid Statute, and there miſprinted *Palmyſtry.*

Panagia, *Quaſi panis ἁγιος*, Holy Bread. *Reg. Eccleſ.* Hereford *differentias referens Orientalis Eccleſ. à Romana*, Artic. 10. *Item* (dicunt Græci) *panem noſtrum* Panagium.

Pandects Are the Books of the Civil Law, compiled by *Juſtinian:* They are mentioned in *Bede*, and ſeveral other Hiſtorians of this Nation: *Tres* Pandectas *nova tranſlationis de Roma attulerit.* Bede, cap. 15.

Pandorando. *Conceſſi etiam ei cum cacubo ſuo proprio* Pandoxando *& Lotrando ubicunque poterit. Carta* Walteri Muchegros *ſine Dat.* 1. Liberty to Brew and Waſh in his own Kettle.

Pandoratrix. In a Manuſcript Book concerning the Laws, Statutes, and Cuſtoms of the free Borough of *Mountgomery*, from the Times of *Hen.* 2. *fol.* 12. *b.* we read theſe Words, *Item utimur de* Pandoxatricibus, *quod nemo poteſt braſiare ſive* pandoxare *in Villa & Burgo noſtro niſi per redemptionem aliquam factam ad voluntatem Comburgenſium noſtrorum; & ſi talis* Pandoxatrix *braſiaverit, & aſſiſam Domini noſtri Regis in Burgo & Villa poſitam & proclamatam fregerit, debet capi per Ballivos, amerciari ad voluntatem Ballivorum noſtrum, & non per pares ſuos primo & ſecundo; & ſi tertia vice Aſſiſam fregerit, debet capi per Ballivos capitales, & publice duci ad locum ubi ſituatur le* Cogingſtole, *& ibi debet eligere unum de duobus*, viz. *An velit le* Cogingſtole *aſcendere, An illud judicium redimere ad voluntatem Ballivorum.* In *Goldman's* Dictionary *Pandox* is made to ſignify a Drunkard, and *Pandoxatorium* a Brew-houſe; but in this Place it ſeems to ſignify an Ale-wife, that both brews and ſells Ale and Beer.

Panell, *Panella, vel Panellum*, ſo written both by *Forteſcue*, in his Book *De Laudibus Legum Ang. cap.* 25. and *Co. on Lit. pag.* 158. who ſays, It denotes a little Part. But the learned *Spelman*, in his *Gloſſary* ſays, *Hoc eſt minus congruè:* It properly ſignifying *Schedula, vel Pagina*, or rather *Pagella*, a Schedule, or Page; and thence deduces *g* in *n tranſeunte: Sic veteres quidam Manificat pro Magnificat.* Hence comes the Law-Term *Impannellare*, to impanel; and *to impanel a Jury*, that is, To write in a Schedule or Roll the Names of ſuch Jurors as the Sheriff returns to paſs upon any Trial. *Reg. Orig. fol*, 366. So we ſay, A *Panel of Parch-*

Parchment, and the *Counterpane* of an Indenture. See 8 *H.* 6. *cap.* 12 ; and *Spelman*, verbo *Panella.*

Panis Armigerorum, *i. e.* The Bread diſtributed to Servants : *Infirmantibus adminiſtrat granaterius ſingulis diebus duos* Panes Armigerorum, *&c.* Mon. 1. pag. 420.

Panis Biſus, *i. e.* Coarſe Bread : *Jejunans debet ſedere in area ante menſam, & comedere* Panem Biſum *ſuper ſcamnum ſine panno.* Mon. 1. Tom. 420.

Panetia, A *Pantry*, or Place to ſet up cold Victuals. *Cuſtos bracini claves* Panetiæ *& celariis penes ſe cuſtodiat, & liberationes ſupervideat*——Ex Regiſtro Statutor. & Conſuetud. Eccl. D. Pauli London. *MS. f.* 40.

Panis, Called *Blackwhytlof*, Bread of a middle Sort, between white and brown, ſuch as in *Kent* is called *Ravel-bread. Nos* Willielmus, *Prior* Elyen. *& Capitulum*——*conceſſimus* Aliciæ Appiltone *de* Ely *cotidianum corrodium infra ſcriptum, videl. unum panem vocat.* Blakwhyotlof *per diem & unam menſuram cerviſiæ melioris conventus*, &c. *Dat.* 18 Apr. 1411.——*Ex Cartular. Eccl.* Elyen. *penes* Joh. *Epiſc.* Norwic. *MS. f.* 39. *b.* This was their coarſer Bread, made for ordinary Gueſts, and diſtinguiſhed from their *Houſhold-loaf*, or *Panis Conventualis*, which was pure Manchet, or White Bread. See *Karite.*

Panis militaris, Hard Bisket, Brown George, Camp-Bread, coarſe and black The Prior and Convent of *Ely* grant to *John Grove* a Corrody, or Allowance——*ad ſuum victum quolibet die unum panem monachalem*, i. e. A White Loaf, and to his Servant *unum panem nigrum* Militarem, *i. e.* A little Brown Loaf, or Bisket. *Cartular. Elyen.* MS. f. 47.

Panis fortis & durus, When a Felon upon his Trial ſtands mute, and obſtinately refuſes to plead, one of the Penalties impoſed for Contempt of the Court, is to be condemn'd *ad panem fortem & durum*, i. e. To have only hard, dry Barley-bread, and Puddle-water, *&c.*

Pannage, or Pawnage, *Pannagium*, Which is that Food that the Swine feed on in the Woods, as Maſt of Beech, Acorns, *&c.* which ſome have called Pawnes : It is alſo the Money taken by the *Agiſtors*, for the Food of Hogs, with the Maſt of the King's Foreſt. *Cromp. Jur. fol.* 155. *Weſtm.* 2. *cap.* 25. *Manwood* in his *Foreſt-Laws*, *cap.* 12. ſays, It is moſt properly taken for the Maſt of the Woods within the Foreſt, or the Money due to the Owner of the ſame for it. *Lindewode* defines it thus, *Pannagium eſt paſtus pecorum in nemoribus, & in ſylvis, utpote de glandibus & aliis fructibus arborum ſylveſtrium, quarum fructus aliter non ſolent colligi. Tit. de Decimis* ; mentioned alſo 20 Car. 2. cap. 3. *Quiſquis villanus habens* 10 *porcos, eat unum porcum in* Paſnagio. *Domeſday.* This Word is variouſly written, *Pannunagium*, *Panagium*, *Pathnagium*, *Patnaglum*, *Paunagium & Pennagium* ; and ſometimes *Paſnagium*, from the French *Paſnag.* Breve Regis *Henrici* 1. Lib. Rameſienſ. Sect. 313. *Henricus Rex Angliæ Juſticiariis & omnibus Baronibus & Fidelibus ſuis de Huntedonſhire, Salutem. Præcipio quod Abbas de Rameſia teneat omnes boſcos ſuos bene, & in pace, & quiete, & honorifice, ſicut unquam melius tenuit* ; *& nullos ſuper hoc eos capiat vel invaſtet ſine licentia Abbatis, & ſi quid ei debetur de* Panagio, *reddatur ei juſte* ; *& ſi aliquis ei inde ſuper hoc injuriam vel contumeliam fecerit, faciatis ei habere plenum rectum.* Teſte Milone Gloc. apud Winton; and Chart. 1. fundat. Waldenſ. Cœnobii, *Clamo etiam quietum* Panagium *de omnibus Dominicis porcis*, &c. See Mr. *Kennett's* Gloſſary in the Word *Pannagium.*

Pannus, a Piece or Slice of any Thing. Sylveſter Girald, cap. 21. *Militis quoque Coxa ferro utrinque veſtita uno ſecuris ictu cum* Panno *loricæ præciſa.*

Pannus, A Garment made with Skins, *Statutum fuit quod nullus habeat* Pannos *deciſos & laceratos.* Ger. Dowb. Anno 1188. Fleta, lib. 2. cap. 14. Par. 2.

Pantoneria, A Sort of Purſe : The Word is mentioned in *Fleta*, *lib.* 2. *cap.* 82. *par.* 2. It may be taken for *Panneteria.*

Pape, or Pope, *Papa*, May with Eaſe enough be derived from the old *Greek* Word πάππας, intending a Father, and was antinctly applied to other Clergymen in the *Greek* Church, but by Uſage is particularly appropriated in the *Latin* Church to the Biſhop of *Rome :* A Name very frequent in our Year-Books, eſpecially in the Times of thoſe Kings who too much abandoning their Imperial Authority, and abaſing themſelves beneath their Eſtate, ſuffered an Alien, a Foreign Biſhop, that dwelt a Thouſand Miles diſtant, to deprive them of the Diſpoſition of many Spiritual Promotions ; ſometimes by Lapſe, ſometimes by Proviſion, or otherwiſe : For Redreſs whereof, divers Statutes were made, while this Kingdom was of the *Roman* Communion : But his Power was not wholly taken away, till towards the latter End of King *Henry* the Eighth's Reign.

Paper-Office. All Acts of the Council-Board, Occaſional Proclamations, Diſpatches and Inſtructions for Foreign Miniſters, Letters of Intelligence, and many other Publick Papers communicated to the King's Council, or the two Secretaries of State, are afterwards tranſmitted to the *Paper-Office*, wherein they are all diſpoſed in a Place of good Security and Convenience within the King's Royal Palace at *Whitehall.* See Mr. *Nicholſon's Engl. Hiſt. Libr. Part III. pag.* 9. Alſo an Office ſo called, belonging to the King's Bench.

Par, In Exchange of Money, is a certain Number of Pieces of the Coin of one Country, containing in them an equal Quantity of Silver to that in another Number of Pieces of the Coin of another Country, *v. gr.* Suppoſing 36 Shillings of *Holland* to have juſt as much Silver in them as 20 *Engliſh* Shillings. Bills of Exchange drawn from *England* to *Holland* at the Rate of 36 Shillings *Dutch* for each Pound *Sterling*, is according to the *Par.*——Mr. *Lock's* Conſiderations of Money, *pag.* 18.

Paracium, The Tenure that is between Parceners, *viz.* That which the youngeſt oweth to the eldeſt. *Domeſday.*

Paradiſus Is a ſquare Court before *Cathedrals*, ſurrounded with Piazza's, or Walking-places, ſupported with Pillars. *Matth. Paris* calls it *Parviſus*, viz. *Multis diebus ſcholas exercens, venditis in* Parviſio *libellis.* Anno 1250.

Parafredus. See *Palfrey.*

Parage, (*Paragium*) Equality of Name, Blood, or Dignity; but more eſpecially of Land, in the Partition of an Inheritance between Co-heirs : *Purparty. Coke's* 1 *Inſt. fol.* 166. *b. Hanc terram tenuere duo homines in* Paragio. *Domeſday.* See *Parcinary.* Hence we have *Diſparagement*, and *To diſparage.*

Paragium, Parage, Peerage; commonly taken for the equal Condition betwixt two Parties to be contracted, or married. For the old Laws of *England*

Parliamentum Religiosorum. In most Convents they had a common Room, into which the Brethren withdrew after Dinner for Discourse and Conversation; from whence it was called *Locutorium*, the Parlor, or Talking-Room: And the Conference there had was called *Parliamentum*, which was sometimes forbidden to be held, because it interrupted the more meritorious Duties of Silence and Meditation. As in the Statutes of the Black Canons, *Anno* 1249. *Cum quidam post prandium proniores sint ad loquendum quod non prodest.* —*Statutum est quod* Parliamentum *quod post prandium in quibusdam claustris fieri consuevit, penitus interdicatur, & loco ipsius vacetur uberius meditationibus & lectionibus repetendis.* Mat. Paris *Additament. pag.* 170.

Par Lintheorum, Par Loianorum. *Præcipimus tibi, quod facias habere Thomæ Sturmy, Valetto nostro, unam robam de scarletto, cum quadam penula de byssis, & aliam robam de viridi vel burnetta, & unam sellam, & unum* Par Loianorum, *& capam ad plumam, & unam culcitram, & unum* Par Lintheorum, *quoniam ipse fiet Miles.* Clauſ. 6 Johannis. Dorſo. M. 20.

Parmentarius. I have ſeen it uſed in our Records for a Sirname, as *Johannes Parmentarius*, perhaps as *Latin* for *Taylor*, from the old French *Parmentier*, which ſignifieth the ſame.

Parochianus, A Compellation given by a Biſhop to any Perſon living within his Dioceſe or Juriſdiction. *Alexander, Lincoln. Epiſcopus, Guidoni de Charing* Parochiano *ſuo.* Paroch. Antiquit. p. 90. For the Word *Parochia* was more properly applied to a Dioceſe, or Epiſcopal Diſtrict, before it was confined to rural Limits, or what we now ſtrictly call a *Pariſh.*

Parol (*Loquela*), Is a *French* Word. *Kitch. fol.* 193. uſes it for a Plea in Court. It is ſometimes joined with *Leaſe*, as *Leaſe-Parol*, that is, *Leaſe per Parol*; a Leaſe by Word of Mouth, to diſtinguiſh it from a Leaſe in Writing.

Parpunctum, *Perpunctum*, A Coat of Mail: A Doublet lin'd and quilted for Defenſive Armour. *Armatus quidam erat more peditum ſatis competenter, ferreo tegmine capite munito, lorica quoque, tunica etiam linea multiplici conſuta lineis interioribus difficile penetrandis, acu operante artificialiter implicitis, unde & vulgo* Parpunctum *nuncupatur.* Gaufr. Vineſauf. Iter Hieroſ. cap. 48.

Parſon (*Perſona*) Signifies the Rector of a Church. He is called *Perſona*, becauſe of his Office; for the Profits of the Church were to maintain *magnam perſonam*; or rather, becauſe he is bound by Virtue of his Office *in propria perſona ſervire Deo.* See *Berefellarii.* See *Fleta, lib.* 9. *cap.* 18. *Charta Hugonis Puſac* (*alias Pudſey & de Puteaco*) *tempore Hen.* 2. Hugo, *Dei gratia Dunelmenſis Epiſcopus, omnibus Archidiaconis ſuis, Clericis & Laicis Epiſcopatus ſui ſalutem. Sciatis nos ad præſentationem Roberti Capellani in Eccleſiam de* Witefield, *quæ in feudo ſuo ſita eſt, Canonice* imperſonaſſe *Robertum nepotem ſuum. Quare volumus & præcipimus quatenus idem Robertus habeat & teneat Eccleſiam prænominatam libere & quiete, tam in decimis quam in cæteris obventionibus, ſicut aliqui Clerici liberius & quietius in Epiſcopatu noſtro Eccleſias ſuas tenent: Salvis in omnibus Epiſcopalibus conſuetudinibus. Teſtibus, &c.* Endorſed thus, *Præſentatio Roberti de Quiteſeld.*

Parſonage, Perſonatus, Perſonagium, Is ſometimes taken for a Dignitary in a Church, and ſometimes for the Benefice it ſelf; *viz. Nam poſt Epiſcopos & Abbates in Eccleſia Anglorum, hic primus & dignior* perſonatus *habetur.* And *Lindewode* 118. tells us, that *Perſonatus & dignitas vere ſupponunt pro eodem, licet in aliquibus locis Rectores Eccleſiarum vocentur perſonæ, & ſic habent* perſonatum, *non tamen dignitatem.* And in *Mon. Angl.* 1 *Tom. pag.* 816. *Pro illo novo ædificio quod ipſe fecit in* perſonagio *de Daſesbourg.*

Imperſonare, to be put in Poſſeſſion of a *Parſonage.* In a Charter of *Hugh de Puiſet*, Biſhop of *Durham*, we read, *Sciatis nos ad præſentationem Roberti Capellani in Eccleſiam de* Wetefeild, *quæ in feudo ſuo ſita eſt, Canonice* imperſonaſſe *Robertum nepotem ſuum.*

Parſonage, or Rectory, Is a Spiritual Living, compoſed of Land, Tithe, and other Oblations of the People, ſeparated or dedicated to God in any Congregation for the Service of his Church there, and for Maintenance of the Miniſter, to whoſe Charge the ſame is committed. *Spelm. De non temerandis Eccleſ.*

Parſon imparſonee, *Perſona imperſonata*, Is he that is in Poſſeſſion of a Church, whether appropriated, or not appropriated. For in the *New Book of Entries*, verb. *Ayd in Annuity*, you have theſe Words, *Et prædictus* A. *dicit quod ipſe eſt perſona prædicta Eccleſiæ de* S. imperſonata *in eadem ad præſentationem* F. *Patroniſſæ*, &c. So that *perſona* ſeems to be the Patron, or he that hath Right to give the Benefice, by Reaſon that before the *Lateran Council* he had Right to the Tithes, in reſpect of his Liberality uſed in the erecting and endowing the Church, *Quaſi ſuſtineret* perſonam *Eccleſiæ*; and *perſona imperſonata*, to be he to whom the Benefice is given in the Patron's Right; for we may read in the *Regiſter Judicial perſonam imperſonatam*, for the Rector of a Benefice preſentative, and not appropriated, *fol.* 34. And *Dyer, fol.* 40. *Num.* 72. ſaith, That a Dean and Chapter be *perſons imperſonees* of a Benefice appropriated unto them; and *fol.* 221. expreſly ſhews, That *perſona imperſonata* is he that is inducted, and in Poſſeſſion of a Benefice. So that *perſona* ſeems to be termed *imperſonata*, in reſpect of the Poſſeſſion that he hath of the Benefice or Rectory, be it appropriate, or otherwiſe, by the Act of another. *Co. on Lit. fol.* 300.

Parſon mortal, Parſon immortal. The Rector of a Church, inſtituted and inducted for his own Life was called *Perſona mortalis*; and any Collegiate, or Conventual Body, to whom the Church was for ever appropriated, were called *Perſona immortalis. Præfatus Simon, Rector Eccleſiæ de Cumpton, & omnes ſucceſſores ejuſdem, ſive* perſonæ *fuerint* mortales, *ſive* immortales. *Chartular. Rading. MS. fol.* 182.

Parters of Gold and Silver. See *Finers.*

Partes finis nihil habuerunt, &c. Is an Exception taken againſt a Fine levied. *Co.* 3 *Rep. fol.* 88. *The Caſe of Fines.*

Particata terræ. See *Perticata terræ.*

Participatio Is the Charity ſo called, by which the Poor are made *participes* of other Mens Goods. We may read it in ſeveral Places in the *Monaſt.* 2 *Tom. pag.* 321. *Et ad faciendum pro prædictis animabus tres* participationes *per annum, &c. quilibet eorum unum panem pretii unius quadrantis, & unum allec* participationem *unius milliaris pauperum, &c. ordinavit, &c.* And in another Place: *Relaxamus, &c. prædicta onera dictarum trium* participationum, *&c. ita ut nunquam de cætero erogare teneantur, & volumus quod pro eiſdem* participationiqus *faciant diſtributionem* 13 *ſolidorum.*

Particus. The ſame with Park. *Si fractura Partici fiat in Curia Regis, plena wita ſit.* Leg. H. 1. cap. 40.

Partition, *Partitio*, Is a Dividing of Land deſcended by the Common Law, or by Cuſtom, among *Coheirs* or *Parceners*, where there are two at leaſt; and this *Partition* is made four ways, whereof three are by Agreement, the fourth by Compulſion. The firſt *Partition* by Agreement is, when they themſelves divide the Land equally into ſo many Parts as they are Coparceners, and each to chuſe one Share, or Part according to Order. The ſecond is, when they chuſe certain of their Friends to make the Diviſion for them. The third is, by drawing Lots thus, Having firſt divided the Land into as many Parts as there be Parceners, they write every Part ſeverally in a diſtinct Scroll, and wrapping it up, throw each of them into a Hat, Baſon, or ſuch Thing, out of which each *Parcener* draws one, according to their Seniority, and ſo the Land is ſeverally allotted. The fourth *Partition*, which is by Compulſion, when one or more of the Parceners, by reaſon of the Refuſal of ſome other, ſues out a Writ of *Partitione facienda*, by Force whereof they ſhall be compelled to part. In *Kent*, where the Land is of *Gavelkind* Nature, they call their Partition *Shifting*, from the Saxon *Shiftan*, to divide. In *Latin* it is called *Herciſcere*. *Partition* alſo may be made by Joint-Tenants, or Tenants in common by Aſſent, by Deed, or by Writ. 31 *H.* 8. 1. 32 *H.* 8. 32.

Partitione facienda, *Anno* 31 *H.* 8. *cap.* 1. Is a Writ that lies for thoſe who hold Lands or Tenements *pro indiviſo*, and would ſever to every one his Part, againſt him or them that refuſe to join in *Partition*, as *Copartners*, *Tenants in Gavelkind*, &c. *Old Nat. Brev. fol.* 142. *F. N. B. fol.* 61. And *New Book of Entries*, verbo *Partition*. See *Partition*.

Dorſet. Placita de Juratis & Aſſiſ. Anno 16 *Ed.* 1. *Metingham.*

Edwardus Kaynel, Maria filia Roberti de Camma, Johannes Bereſet, & Matilda uxor ejus, & Johanna ſoror ejuſdem Martildæ petunt verſus Johannem Alfrith de Warham unum Toftum cum pertin. in Warham, de quo Johannes Gerard, conſanguineus prædictorum Edwardi, Mariæ, Matildæ, & Johannæ, cujus hæredes ipſi ſunt, fuit ſeiſitus in dominico ſuo, ut de feodo, die quo obiit, &c. unde dicunt, &c.

Et præd. Johannes venit & dicit, quod tenementa in Warham ſunt partibilia *inter maſculos & femellas, & dicit quod prædictus Edwardus habet quaſdam Gunnoram, Matildam, Chriſtianam, Albredam, & Euſemiam ſorores & participes ipſius Edwardi & aliorum petentium, & quæ tantum jus habent in re petita ſicut, &c. & quæ non nominantur in brevi, &c. & Edwardus & alii non poſſunt hoc dedicere: Ideo conſideratum eſt quod prædictus Johannes eat inde ſine die, &c.*

Parricide, *Parricida*, Properly ſignifies him that kills his Father, and may be applied to him that murders his Mother.

Parties Are thoſe which are named in a Deed or Fine, as Parties to it; as thoſe that levy the Fine, and to whom the Fine is levied: So they that make any Deed, and they to whom it is made, are called *Parties to the Deed.*

Partlet Was ſome Part of the Attire, a Kind of Band, or Neck-kerchief, which in ſome Places ſtill retains the Name: This Word is read in the Statute of 24 *H.* 8. *cap.* 13.

Party-Jury, 14 *Car.* 2. *cap.* 11. See *Medietas Linguæ.*

Parviſe. See *Perviſe.*

Parviſus. See *Paradiſus.*

Parvo nocumento Is a Writ. See *Nuſance.*

Paſcha clauſum, The *Octaves* of *Eaſter* or *Low Sunday*, which cloſes or concludes that Solemnity. *Die* (*tali*) *poſt paſcha clauſum* is a Date in ſome of our old Deeds: And the firſt Statute of *Weſtminſter*, *Anno* 3 *Edw.* 1. is ſaid to have been made *lendeſmain de la cluſe de Paſche*, i. e. The *Monday* after *Eaſter* Week.

Paſcha Floridum, *Palm-Sunday*, or the *Sunday* before *Eaſter*, when the proper Hymn, or Goſpel ſung, was *Occurrunt turbæ cum floribus & palmis, &c. Sex denarios & quatuor lagenas mellis ad duos terminos, ſcil. ad* Paſcha floridum *quatuor lagenas mellis, & ad feſtum S. Michaelis ſex denarios.* Chartular. Abbat. Glaſton. MS. f. 75.

Paſchal Rents Are Rents, or annual Duties paid by the inferior Clergy to the Biſhop, or Archdeacon, at their *Eaſter* Viſitation: They are alſo termed *Synodals.* See *Synodals.*

Paſcua. See *Paſture.*

Paſcuage (*Paſcuagium*, Fr. *Paſcage*) Graſing, Feeding, or Paſturing of Cattle. *Et habere viginti porcos quietos de* Paſcuagio, *& ſualium ad panem ſuum & ad cibos coquendos, &c.* Charta Ric. de Muntfichet Priorat. de Tremhale, in Mon. Angl. 2 Par. fol. 23. a. Alſo the ſame with *Pannage.*

Paſnage. See *Pannage.*

Paſſage, *Paſſagium*, Is a *French* Word, ſignifying *Tranſitum*: By the Statutes of 4 *E.* 3. *cap.* 7. and *Weſtm.* 2. *cap.* 25. it denotes the Hire that a Man pays for being tranſported over Sea, or over any River. In the Charter of *Henry* the Firſt, of the Liberties of *London*, we find theſe Words, *Et omnes res eorum per totam Angliam, & per portus maris, de theloneo, &* paſſagio, *& laſtagio, & omnibus aliis conſuetudinibus, per* paſſagium *clamat eſſe quiet. de omnibus in Com. Ceſtriæ & Flint pro omnibus carettis, cariag. ejus ſervientibus, & ſummagiis ſuis oneratis.* Pl. in Itin. apud Ceſtriam, 14 *H.* 7.

Paſſagium, A Voyage or Expedition to the Holy Land, when made by the Kings of *England* in Perſon, was called *Paſſagium. Rex Archiepiſcopo Cant. Salutem. Cum* paſſagium *noſtrum juraverimus & ſtatuerimus a Feſto Nativitatis Beati Johannis Bapt. proxime venturo in quatuor annos, & D. Papa conceſſerit decimam proventuum Eccleſiaſticorum ante idem* paſſagium *colligendam. Dat.* 16 *Maji*, 36 H. 3. Prynn's Collect. Tom. 3. p. 767.

Paſſagio Is a Writ directed to the Keepers of the Ports, to permit a Man to paſs over Sea that hath the King's Licence. *Reg. Orig. fol.* 193, 194.

Paſſator. *Donationem inſuper quam Hugo de Bradewardyn* Paſſator *filius Stephani Pont. per ſcriptum ſuum fecit eiſdem fratribus de Libero paſſagio apud Bradewardyn. Pat.* 1 *E.* 3. *Par.* 3. *M.* 6. He that has the Intereſt or Command of the Paſſage of a River; for this *Bradwardyn* lies upon the River *Wye* in *Herefordſhire.*

Paſſator, i. e. The Lord to whom a Duty is to be paid for Paſſage. *Donationem enim quam Hugo, &c.* Paſſator *fecit.* Mon. 1 Tom. pag. 505.

Paſſe-port, A Compound of two *French* Words, *viz.* of *Paſſer*, *tranſire*, and *Port*, *portus*, a Haven; It ſignifies a Licence made by any that hath Authority, for the ſafe Paſſage of any Man from one Place to another. 2 *E.* 6. *cap.* 2.

Paſſiagiarius, A Ferry-Man. We meet with the Word in *Thorn's Cronicle, viz. In Anno* 1287. *ſi monachus vel aliquis de familia Abbatis ad dictum portum ex quacunque parte fluminis veniens batellum dicti* Paſſiagiarii *ibi præſentem invenerit, &* Paſſiagiarius *vel ſui noluerint ipſum vel tardaverint tranſducere, &c.*

Paſſus, *i. e.* The narrow Places in Highways. *Dum per quoddam iter arctiſſimum, quod vulgariter* Paſſus *dicitur, forent tranſituri.* Matt. Pariſ. p. 443. So in *Mat. Weſtm. Anno* 1260. *Emanavit a Cancellaria Breve Domini Regis ad omnes Vicecomites, in quorum Ballivis ſolebant viatoribus imminere pericula, ut omnes* Paſſus *periculoſos tam in cavis viis & boſcis, & hajis quam aliis pacis Regiæ perturbationibus, faciant videri, &c.*

Paſta, Paſte, or kneaded Dough before it is baked. *A. D.* 1445. *Ordinatum erat per Thomam Lyſeaux, Decanum & Capitulum Eccleſiæ Sancti Pauli London. quod panis Canonicorum in* paſta *crudus debeat ponderare ad ſummum vii marcas.* Liber Statuor. Eccleſiæ Paulinæ. MS. fol. 107. b.

Paſtitium, A Paſture Field. *Caſtrum Arundel T. R. E. reddebat a quodam molino* 40 s. *&c. & de uno* Paſtitio 20 s. Domeſday, per Gale 761.

Paſtoral Staff. The Form of it was ſtreight, which ſignified *Rectum Regimen:* All the Top Part of it was crooked, and the other Part ſharp: The crooked ſignified, that the Biſhop preſided over the People; and the ſharp ſignified, to puniſh the ſtubborn.

Curva trahit mites, pars pungit acuta rebelles.

See *Croſier.*

Paſtura Is generally any Place where Cattle may feed; and it differs from *Paſcua*; for that is a Place ſet a-part on purpoſe to feed, and never plowed; ſo that it properly ſignifies a Meadow, or Paſture Ground. *Nam* Paſtura *omne genus paſcendi ſignificat, ſive fiat in pratis, ſive in ſtipula, ſive in agris, ſive in campis; ſed* Paſcua *eſt locus principaliter deputatus pecoribus paſcendis, ut puta in montibus, moris, mariſcis & planis non cultis nec aratis.* Lindewode, lib. 3. Provin. Angl. Tit. *De Decimis*, cap. 1. *Quoniam.*

Paſtus Is the ſame with Procuration, or the Proviſion which the Tenants of the King, or other Lords are bound to make for them at certain Days or Seaſons, or as often as they make a Progreſs to their Lands: And this in many Places was turned into Money. *Hoc modo per ævum liberabo a* paſtu *Regis & Reginæ.* Monaſt. 1 Tom. 123.

Patentee Is he to whom the King grants his *Letters Patent.* 7 E 6. cap. 3.

Patents, *Literæ Patentes*, Differ from Writs. *Cromp. Jur. fol.* 126. The Coroner is made by Writ, and not by *Patent.* See *Letters Patent*, and alſo *Literæ Patentes*, in the Table of the *Regiſter*, where you may find the Form of divers.

Patria Properly ſignifies the Country, but in the Law it denotes the Men of a Neighbourhood; ſo when we ſay *Inquiratur per patriam*, we mean a Jury of the Neighbourhood: In like Manner *Aſſiſa vel recognitio per Aſſiſam, idem eſt quod Recognitio* patriæ.

Patriarch, *Patriarcha*, Is a *Greek* Word, ſignifying a chief Father, *Anno* 385. In the General Council holden at *Conſtantinople*, it was decreed, That the Biſhop of *Conſtantinople* ſhould for ever be called a *Patriarch.*

Patrimony, An hereditary Eſtate, or Right deſcended from Anceſtors. The legal Endowment of a Church or religious Houſe, was called *Eccleſiaſtical Patrimony*; and the Lands and Revenues united to the See of *Rome*, are called St. *Peter's Patrimony.*

Patrinus, *Fidejuſſor in Baptiſmate*, Anglice a Godfather, *uti Paulus ſe dixit Oneſimum genuiſſe & Corinthios.* We read in the Laws of *Hen.* 1. *c.* 79. *Qui alicujus filium vel* patrinum *occiderit, &c.*

Patron, *Patronus*, Is uſed in the Civil Law for him that hath manumitted a Servant, and thereby is both juſtly accounted his great Benefactor, and challengeth certain Reverence and Duty of him during his Life. See the Title *De Jure Patronatus* in the Digeſt, with the *Feudiſts pro authore Feudi. Hotoman* verbo *Patronus*, in his *Comment. de Verbis feudal.* Both in the Canon and Common Law it ſignifies him that hath the Gift of a Benefice; and the Reaſon is, becauſe the Gift of Churches and Benefices belonged unto ſuch good Men as either built, or elſe endowed them with ſome great Part of their Revenue. And *Coraſius* in his Paraphraſe *Ad ſacerdotoriam materiam*, Part 1. cap. 2. and Part. 4. cap. 6. writes thus of them, *Patroni in jure Pontificio dicuntur, qui alicujus Eccleſiæ extruendæ, aut alterius cujuſcunque fundationis eccleſiaſticæ authores fuerunt, ideoque præſentandi & offerendi clericum jus habent, quem Eccleſiæ vacanti præeſſe, & in ea collatis redditibus frui velint. Acquirunt autem hoc jus qui vel fundant Eccleſiam, vel dotant, &c.* See Mr. *Kennett's* Gloſſary in the Word *Patronus.* The King is *Patron Paramount* of all Eccleſiaſtical Benefices in *England.*

Pavage, (*Pavagium*) Money paid towards the Paving of Streets, or Highways. *Rex* (Edw. 1.) *conceſſit* pavagium *Villæ de Huntingdon per quinquennium.* Pla. Parl. 35 Edw. 1.

Pavaſarii Were Soldiers armed with Shields, which were called *Pavaſii.* The Word is uſed in *Walſingham*, in *Edw.* 3. and other Hiſtorians. *Venientem contra eum cum* 7 *millibus electis armatorum aliisque armatis* paviſariis, *&c.*

Pavimentum, A Pavement, or Paving with Stone. *Item in* pavimento *pro ſchola in Horſemullane viii Sol.* Hiſt. & Ant. Oxon. lib. 2. fol. 11. b.

Paunton in *Lincolnſhire.* See *Ad Pontem.*

Pauper. See *In Forma Pauperis.*

Pannage. See *Pannage.*

Par, ad Pacem redire, *i. e.* To reverſe an Outlawry, by which he is reſtored to the King's Peace. *Rex poteſt dare quod ſuum eſt, hoc eſt,* pacem *ſuam quam utlegatus amiſit.* Bracton lib. 3. cap. 11.

Pax Dei. See *Peace of God.*

Par Eccleſiæ *Dicitur, cum ſalva ſunt Eccleſiæ omnia privilegia, & immunitates, ſervi, famuli, miniſtri, &c.* Vide Leg. Edw. Conf. cap. 8.

Par Regis, The King's Peace. *Nam longe debet eſſe* pax Regis *a parte ſua, ubi reſidens fuerit a quatuor partibus loci illius, hoc eſt, quatuor miliaria & tres quarentenæ & novem acræ latitudine, & novem pedes, & novem palmæ, & novem grana hordei, &c.* Leg. Ed. Conf. cap. 12. See *Spelman.*

Pea, *Mons*, A Hill. *Domeſday.*

Peace, *Pax*, In the general Signification is oppoſite to War, or Strife: But particularly with us it intends a quiet and harmleſs Behaviour toward the King and his People. *Lamb. Eirenarch. lib.* 1. *cap.* 2. *pag.* 7. And if any Man goes in Danger of Harm, or bodily Prejudice from another, and makes Oath of it before a Juſtice of *Peace*, he ſhall be ſecured by good Bond, which is called *Binding to the Peace.* Lamb. Eiren. lib. 2. cap. 2. pag. 77. *Cromp.* Juſt. of Peace, f. 118 ad 129. And alſo *Frank-pledge* and *Conſervator of the Peace.*

Peace. Time of *Peace* is, when the Courts of Juſtice are open, and the Judges and Miniſters of the ſame may by Law protect Men from Wrong and Violence, and adminiſter Juſtice to all. *Co. on Lit. fol.* 249.

Peace of God and the Church, *Pax Dei & Eccleſiæ*, Was antiently uſed for that Reſt and Ceſſation which the King's Subjects had from Trouble and Suit of Law between the Terms. See *Vacation*, and *Pax Dei. Tempus dicitur cultui divino adhibitum, eaque appellatione omnes dies Dominici, Feſta & Vigiliæ cenſentur.* Spelman.

Peace of the King, *Pax Regis*, 6 R. 2. Stat. 1. cap. 13. Is that *Peace* and Security both for Life and Goods, which the *King* promiſeth to all his Subjects, or others taken to his Protection. See *Suit of the King's Peace.* This Point of Policy ſeemeth to have been borrowed by us from the *Feudiſts*, which in the Second Book of the *Feuds*, *cap.* 53. entituled, *De Pace tenenda*, &c. *Hotoman* proveth. Of this *Hoveden* ſetteth down divers Branches *Par. poſter. ſuorum Annal.* in H. 2. *fol.* 144. and 330. There is alſo *Peace of the Church*, for which ſee *Sanctuary.* And the *Peace of the King's Highway* to be free from all Annoyance and Moleſtation. See *Watling-ſtreet. The Peace of the Plough*, whereby the Plough and Plough-Cattle are ſecured from Diſtreſſes; for which ſee *F. N. B. fol.* 90. So Fairs may be ſaid to have their *Peace*, becauſe no Man in them may be troubled for any Debt elſewhere contracted. See *Fairs.*

Peagium. See **Peſage.**

Pechery. See **Piſcary.**

Pecia, A Piece, or ſmall Parcel of Ground.—*Cum duabus* peciis——*dictæ terræ pertinentibus.* Paroch. Antiquit. p. 240.

Pectorale. 'Tis uncertain what is meant by this Word, tho' we often meet with it in old Writings. Moſt Authors agree, that it is the ſame with that Garment call'd *Rationale*, which the High Prieſt in the old Law wore on his Shoulders, as a Sign of Perfection. 'Tis worn alſo by the High Prieſt of the new Law, as a Sign of the greateſt Virtue. *Quæ gratia & ratione perficitur*; for which Reaſon it is called *Rationale.* 'Tis by ſome taken to be that Part of the Pall which covers the Breaſt of the Prieſt, and from thence it is called *Pectorale.* But all agree that 'tis the richeſt Part of that Garment, embroider'd with Gold, and adorned with pretious Stones. *Item capa cum* pectorale *optime brendato cum rotundis* pectoralibus *aurifrigiis, &c. humerali vineato de fino auro brendato, & lapidibus inſertis*, &c.

Pectrell, 14 *Car.* 2. *cap.* 3. Armor for the Breaſt, a Breaſt-plate, derived from *Pectus*, a Breaſt.

Peculiar, In French *peculier*, that is, proper, private, one's own. It ſignifies a particular Pariſh, or Church, that hath Juriſdiction within its ſelf, for *Probat* of Wills, &c. exempt from the Ordinary, and the Biſhop's Courts. The King's Chapel is a Royal *Peculiar*, exempt from all Spiritual Juriſdiction, and reſerved to the Viſitation and immediate Government of the King himſelf, who is Supreme Ordinary. It is an ancient Privilege of the See of *Canterbury*, that wherever any Manors or Advowſons do belong to it, they forthwith become exempt from the Ordinary, and are reputed *Peculiars*; and of the Dioceſe of *Canterbury*, mentioned 22 & 23 *Car.* 2. *Stat.* for the Maintenance of the Miniſters of *London.* See *Canterbury.*

Pecunia, Properly Money, but was anciently uſed for Cattle, and ſometimes for other Goods as well as Money: So we find often in *Domeſday*, *Paſtura ibidem ad* pecuniam *villæ*, that is, Paſture-Ground for the Cattle of the Village. And in Emendat. Willielmi Primi ad Leg. Edw. Conf. *Intenti ſimus etiam ut nulla viva* pecunia *vendantur, aut emantur niſi infra civitates, & hoc ante tres fideles teſtes.* And Leg. Ed. Conf. cap. 10. *Qui habuerit* 30 *denariatus vivæ* pecuniæ.

Pecunia Eccleſiæ Was antiently uſed for the State of the Church. See *Tilleſley's Animadv. on Selden's Tithes.*

Pecunia Sepulcralis (*L. L. Canuti fol.* 102.) Was Money antiently paid to the Prieſt at the Opening the Grave for the Good and Behoof of the deceaſed Soul. This the *Saxons* call'd *Saulſcead, Saulſcot*, and *Animæ Symbolum.* Spel. de Concil. T. 1. f. 517.

Pedage, *Pedagium*, Signifies Money given for the Paſſing by Foot or Horſe through any Country: *Pupilla oculi*, part. 9. cap. 7. *Pedagia dicuntur quæ dantur a tranſeuntibus in locum conſtitutum a principe*, ſays Spelman: *Et capiens* pedagium, *debet dare ſalvum conductum, & territorium ejus tenere ſecurum.* So *Baldus Caſſan.* De Conſuetud. Bur. p. 118. hath theſe Words, *Pedagium a pede dictum eſt, quod a tranſeuntibus ſolvitur*, &c. And we find *Edward* the Third granted to Sir *Nele Loring*, Pedagium Sancti Macharii. *Rot. Paſc.* 22 *Edw.* 3. *M.* 34. 'Tis mentioned likewiſe in *Matt. Pariſ. Anno* 1256. & *pag.* 515. *Telonium quod vulgariter dicitur* Paagium.

Pedale, A Foot-Cloath, a Carpet, or Piece of Tapeſtry laid on the Ground to tread on for greater State and Ceremony.——*Dedit etiam duo magna* pedalia, *leonibus intexta, ponenda ante magnum altare in feſtis principalibus.* Ingulph. Hiſt. p. 41.

Pedis abſciſſio, Cutting off the Foot was a Puniſhment formerly inflicted here; as appears by the Laws of *William* the Conqueror, and by *Ingulphus*, and other Authors, *viz. Interdicimus ne quis occidatur vel ſuſpendatur pro aliqua culpa, ſed eruantur oculi*, abſcindantur pedes, *vel teſticuli, vel manus.* Leg. Will. cap. 7. So in *Ingulphus*, pag. 856. *Sub pœna perditionis dextri ſui* pedis. *Fleta, lib.* 1. *c.* 38. *Bracton, lib.* 3. *cap.* 32. *Monaſt.* 1 *Tom. pag.* 166.

Pedones, *i. e.* Foot-Soldiers. *Solidariis* pedonibus & *ſagittariis multis milibus conductis.* Simeon of Durham, Anno 1085.

Pedules. When the old Hoſen or Breeches reach'd down below the Calf of the Leg, the Stockings only covered the Feet, and came up to the Ancle, or juſt above the Shoe. Theſe odd ſhort Hoſe were called *Vamps*, and *Vampays*; whence to graft a new Footing to old Stockings is called *Vamping.* Theſe *Vamps* which were more like our Socks than our preſent Stockings, were called *Pedules* and *Pedana*; as among the Cuſtoms of the Abbey of *Glaſton.*——*De veſtitu eorum ita eſt conſuetudo*——*unuſquiſque fratrum duas cucullas, & duos fraccos, & duo ſtamina, & duo femoralia habere debet, & quatuor caligas, & pelicem novam*, pedules *vero decem, ſcil. ad feſtivitatem omnium Sanctorum* iv. & *ad feſtivitatem S. Martini* iii. &c. Chartular. Abbat. Glaſton. MS. f. 10.

Peer (*Pera*, Fr. *Pierre*, *Saxum*, *quod e ſaxis fieri ſolebat*) Is a Fortreſs made againſt the Force of the Sea, or great Rivers, for the better Security of Ships that lie at Harbour in any Haven. So is the *Peer* of *Dover* deſcribed in *Cam. Britan. p.* 259. *Anno* 14 *Car.* 2. *cap.* 27. The Haven and *Peer of Great Yarmouth*, mentioned 22 *Car.* 2. *cap.* 2.

Peers, *Pares*, Signify in our Common Law thoſe that are impanelled in an Enqueſt upon any Man, for the Convicting or Clearing him of any Offence for which he is called in Queſtion; and the Reaſon thereof is, becauſe the Courſe and Cuſtom of our Nation is to try every Man in ſuch a Caſe by his Equals, or *Peers*. *Weſtm.* 1. *cap.* 6. So *Kitchin* uſeth it, *fol.* 78. in theſe Words, *Mais ſi le amerciament ſoit affirre per* Pares. And this Word in this Senſe is not in uſe with us only, but with other Nations alſo. For *Pares ſunt convaſſalli quorum ſententia vaſallus propter feloniam eſt condemnatus.* Bartilayus de Regno, lib. 4. cap. 2. *Et* Pares *ſunt qui ab eodem Domino feudum tenent*, lib. 1. Feudor. cap. 26. But this Word is moſt principally uſed for thoſe that be of the Nobility of the Realm, and Lords of the Parliament. *Staundf. pl. cor. lib.* 3. *Cap. Trial per les Peers:* The Reaſon whereof is, That altho' there be a Diſtinction of Degrees in our Nobility, yet in all publick Actions they are equal; as in their Votes of Parliament, and in paſſing Trial upon any Nobleman, &c. This Appellation ſeems to be borrowed from *France*, and from thoſe Twelve *Peers* that *Charlemaine* inſtituted in that Kingdom; of whom you may read *Vincent. Lupanus de Magiſt. Franciæ*, lib. 1. cap. *Pares Franciæ.* And tho' we have borrowed the Appellation, and applied it with ſome Reaſon to all Lords of Parliament, yet we have no ſet Number; for our Nobles may be more or leſs, as the King pleaſeth.

Pegen. See *Forath.*

Pepne fozt & dure. See *Paine fort & dure.*

Peiſa, antiently uſed for *Pondus*, Weight. See *Peſage*, and *Weight.*

Peiſa, i. e. A Pound-weight. *Super perceptione* 10 *Librarum*, & 8 Peiſarum *caſei.* Thorn. Chron. pag. 2070.

Pela, A Peel, a Pile, a Fort. The Citadel or Caſtle in the *Iſle of Man*, was by this Name granted to Sir *John Stanley. Pat.* 7. H. 4. *M.* 18.

Pele. See *Pille.*

Pelfe & Pelfre (*Pelfra*) ——*Tho. Venables Arm. clamat quod ſi aliquis tenent. ſive reſident. infra Dominium ſive Manerium de* Kinderton *feloniam fecerit, & corpus ejus per ipſum Thomam ſuper factum illud captum & convict. fuerit, habere* Pelfram; *viz. Omnia bona & catalla hujuſmodi ſeiſire: Et ea quæ Domino Comiti pertinent ad Caſtrum Ceſtriæ præſentare, & habere omnia invent. domeſtica, & de omni genere boum, vaccarum, boviculorum, juvencarum, porcorum, bidentium unum, viz. melius: Et ſi de aliquo genere non habuerit niſi unum, clamat habere illud unum, cum aliis minutis animalibus, ut gallis, gallinis, ancis, & hujuſmodi, & omnes pannos talliatos & attaniatos, & omnes carnes attaniatas, & totum braſium infra unum quarterium, & omnia blada inventa infra unum quarterium; & de quolibet taſſo bladi clamat habere* Grounſal *integrum cujuſcunque taſſi, & totum plumbum extra fornacem, & omnia vaſa lignea, omnes mappas, manutergia, & omnia ad lectum pertin. linea & lanea, & omnes carrectas ferro non ligatas, & omnes caruccas cum tota apparura*, &c. Plac. in Intin. apud Ceſtriam, 14 Hen. 7. In Time of War the Earl Marſhal is to have of all Preys and Booties all the gelded Beaſts, except Sheep, Hogs and Goats, which is called Pelfre. *MS. S. Knyveton.*

Pelia, *i. e. Pellus, Batillus.* So in the *Monaſt.* 2 *Tom. pag.* 528. *Debet habere caſeum de melioribus domus, & plenam* peliam *ſalis.*

Pellage (*Rot. Parl.* 11 H. 4.) The Cuſtom or Duty paid for Skins, Pelts, or Leather.

Pellicia, A Pilch, *Tunica vel indumentum* pelliceum; *hinc ſuper-pelliceum*, A Sur-pilch, or Surplice. *Spelm.*

Pelliparius (*Pat* 15 *Edw.* 3. *pag.* 2. *m.* 45.) A Leather-ſeller, or Skinner.

Pellota, French *Pelote*, The Ball of the Foot. Charta de Foreſta, cap. 7. *Talis autem expeditatio* (viz. canum) *fiat per aſſiſam communiter uſitatam*, viz. *quod tres ortelli abſcindantur, ſive* pellota *de pede anteriori.* See *Co. Inſt. par.* 4. *fol.* 308.

Pelt-wool Is the *Wool* pulled off the Skin, or Pelt of dead Sheep. 8 H. 6. *cap.* 22.

Peluræ, *i. e.* Skins, or a Tribute paid for Skins. *De expenſis gardarobæ in quibus emptiones pannorum*, peluræ, &c. Fleta, lib. 2. cap. 14.

Pen Signifies an high Mountain, as Mr. *Cambden* tells us in his *Britannia.* It was ſo called by the *Britains*; and not only by them, but by the old *Gauls*: From whence thoſe high Hills which divide *France* from *Italy*, are called the *Apennines.*

Penerarius, A Penon, or Enſign-Bearer. *Hic jacet Johannes Parient, Armiger pro corpore Regis Richardi Secundi, &* penerarius *ejuſdem Regis.* Epitaph. apud Digs-well in Com. Hertford.

Penicillus, *Penicellus*, A Penon, or Pendant, a Streamer, a Banner. *Robertus de la Sale tenet duas virgatas terræ in Nether Overton per ſerjantiam inveniendi in exercitu Domini Regis hominem portantem unum* penicillum *per xx dies ſumptibus ſuis.*

Penigeldum, *Denarii alicujus ex quavis conſuetudine pro facultate aliqua vel privilegio habendo, puta in foreſta, aut alibi.* Spelm. Gloſſ.

Penniſtons, A Kind of coarſe, woollen Cloth, mentioned 43 *Eliz. cap.* 10.

Penne. See *Bay.*

Pennocrucium, *Pankridge* in *Staffordſhire.*

Pennulatus, *i. e.* Furred. 'Tis the ſame with *Foderatus.* 'Tis mentioned in *Forteſcue, De Laudib. Leg. Angl.* viz. *Capicium ejus non alio quam minivero* penulatur c. 51.

Penny-weight. Every Pound containing Twelve Ounces, each Ounce was divided into Twenty Parts, called Twenty *Penny-weight.* For at that Time Twenty *Penny-weight* weighed One Ounce; which tho' the *Penny-weight* be alter'd, yet the Denomination ſtill continues. Every *Penny-weight* is ſubdivided into Twenty-four Grains.

Penon, 11 *R. cap.* 1. Is a Standard, Banner, or Enſign, carried in War: It is borrowed from *France*, for *Penon* in the *French* Language ſignifies the ſame Thing.

Penſa *Salis, Caſei*, &c. A Wey of Salt, or Cheeſe, containing 256 Pounds—— *Herveus Epiſc. Elienſis conceſſit Monachis quatuor* penſas *caſei, & ſex* penſas *ſalis.*——*Hiſt. Elien. apud* Whartoni *Angl. Sac. P.* 1. *p.* 617. The ſame Weight is called in old Writings *Piſa, Peſa, Peis.*

Ad Penſam, The antient way of paying into the Exchequer as much Money for a Pound Sterling, as weighed Twelve Ounces Troy. Payment of a Pound *de numero*, imported juſt Twenty Shillings: *Ad ſcalam*, imported Twenty Shillings Six Pence; and *ad penſam* imported the full Weight of Twelve Ounces. *Vid.* Lowndes's *Eſſay upon Coin, pag.* 4.

Penſion, *Penſio.* That which in the Two *Temples* is called a *Parliament*, and in *Lincoln's Inn* a *Council*, is in *Gray's Inn* termed a *Penſion*; that is, An Aſſembly of the Members of the Society to conſult of the Affairs of the Houſe. And in the Inns of Court, *Penſions* are certain annual Payments of each Member to the Houſe.

Pensioners, *Pensionarii*, Are a Band of Gentlemen so called, that attend as a Guard upon the King's Person: They were instituted *Anno* 1539, and have an Allowance of Fifty Pounds a Year, to maintain themselves and two Horses for the King's Service. See *Stow's Annals*, 973.

Pension-Writ. When a *Pension Writ* is once issued, none sued thereby in an Inns of Court, shall be discharged or permitted to come into Commons, till all Duties be paid. *Order in Gray's Inn*, wherein it seems to be a peremptory Order against such of the Society as are in Arrear for *Pensions*, and other Duties.

Pentecostals, *Pentecostalia*, Were certain pious Oblations made at the Feast of *Pentecost*, by Parishioners to their Parish-Priest, and sometimes by inferior Churches or Parishes to the prineipal Mother-Church. Which Oblations were also called *Whitson Farthings*, and were divided into four Parts, One to the Parish-Priest, a Second to the Poor, a Third for Repair of the Church, and a Fourth to the Bishop. *Stephens of Procurations* and *Pentecostals*. See Mr. *Kennet's Glossary* in *Pentecostalia*.

Peny (Saxon *Penig*) Was our antient current Silver. 2 *Inst. fol.* 575. ——*Et quod sint quieti de omnibus misericordiis, & Warda*, & Ward-peny, Aver-peny, Hundred-peny, Tithing-peny, & Borthal-peny, & *de omnibus operibus Castellorum, Pontium*, &c. Char. Hen. 7. Ab. & Conv. Eccles. S. Petri Westm. Anno 19 Regni. The *Saxons* had no other Sort of Silver Coin. It was equal in Weight to our Three-pence: Five of those *Penies* made one Shilling *Saxon*, and Thirty *Penies* made a Mark, which they called *Mancuse*, and weighed as much as Three of our Half Crowns. The English *Peny* called Sterling, is round, without clipping, and weighs 32 *grana frumenti in medio spicæ*; Twenty-pence make an Ounce, and Twelve Ounces make a Pound. *Stat. Edw.* 1. It was made with a Cross in the Middle, and broke into Half-pence and Farthings. *Quia denarios findi in duas partes pro obolis & in quatuor partes pro quadrantibus consuevit, ordinatum fuit ad tollendam occasionem defalcationis monetæ quod rotundi essent denarii, oboli & quadrantes.* Walsingham 1280. Mat. Paris. 1279.

Penypise, Penny-weight. *Fabricavit sibi stateram Abbati & Conventui postea dolosam & abominabilem, quæ dicitur* Penypise, *& cum illa triavit* 20 *Sol. in denariis antiquis ponderis maximi, cum quibus equa lance recipiebat denarios quorumcunque.* Will. Thorn. Sabann. 1335.

Pepper, *Piper*, Is a Spice well known, of whose Diversities and Nature you may read *Gerard's Herbal, lib.* 3. *cap.* 146. This is set among Merchandise to be garbled, *Anno* 1 *Jac. cap.* 19.

Perambulation of the Forest, *Perambulatio Forestæ*, Is the Surveying or Walking about the *Forest*, or the Limits of it, by Justices, or other Officers thereto appointed, to set down the Metes and Bounds thereof, and what is within the *Forest*, and what without. 17 *Car.* 1. *cap.* 16. 20 *Car.* 2. *cap.* 3. 4 *Inst. fol.* 30. See *Purliew.*

Perambulatione faciendo Is a Writ that is sued out by two or more Lords of Manors lying near one another, and consenting to have their Bounds severally known. It is directed to the Sheriff, commanding him to make *Perambulation*, and to set down their certain Limits. *F. N. B. fol.* 133. See *Rationabilibus divisis* See *Reg. Orig. fol.* 157. and the *New Book of Entries*, verbo *Perambulatione faciendo.*

Perarta for *Petraria*. Perariis *suis & aliis machinis bellicis paratus.* Brompton, Anno 1173.

Peravail. See *Paravail.*

Perca for *Pertica*, A Perch. *Et unam acram prati per majorem* Percam. *Monastic. Tom.* 2. *pag.* 87.

Percapura, A *Wire*, or *Weer*, or Place in a River made up with Banks, Damms, &c. for the better Convenience of preserving and taking of Fish. Of which Kind there were several artificially contrived in most Waters and Streams. *Widow de Meriton* granted to the Knights Templars.——*Omnes* percapturas *quas Aratres inceperunt versus me in faciendo passagium suum.* Paroch. Antiq. p. 120.

Perch, *Pertica*, Is used with us for a Rod or Pole of Sixteen Foot and a Half in Length; whereof Forty in Length, and four in Breadth make an Acre of Ground. *Cromp. Jur. fol.* 222. Yet by Custom of the Country it may be longer, as he there saith; and several Counties differ herein, for in *Staffordshire* it is Twenty-four Foot, in the Forest of *Sherwood* Twenty-five. In *Herefordshire* a *Perch* of Walling is Sixteen Foot and a Half: A *Perch* of Ditching Twenty-one Foot: In the Forest of *Cank* Twenty-five: In the Forest of *Clarendon* Twenty, &c. *Skene de verbor. signif. verbo Particata terræ*, saith, That *Particata terræ* is a Rood of Land; and a little after to this Effect, Three Barley-corns without Tails set together in Length make one Inch; of the which Corns, one should be taken off the middle Ridge, another off the Side of the Ridge, and one off the Furrow: Twelve Inches make a Foot of Measure, Three Foot and an Inch make an Ell, Six Elnes make one Fall, which is the common lineal Measure, and Six Elnes long and Six broad make a square and superficial Fall of Land measured. And it is to be understood, that one Rod, one Raip, one lineal Fall of Measure, are all one, each of them containing Six Elnes in Length; Howbeit a Rod is a Staff or Pole of Wood, a Raip is made of Tow or Hemp, and so much Land as falleth under the Rod or Raip at once, is called a *Fall of Measure*, or a *lineal Fall*, because it is the Measure of the Line or Length only; like as the superficial Fall is the Measure of Length and Breadth. *Item*, Ten Falls in Length and Four in Breadth make a Rood, Four Roods make an Acre, &c. This is the Measure of *Scotland*. A Pole of betted or densheired Ground is Twelve Foot; of Wood, Twenty-one Foot. See *Skene, verbo Perticata terræ. In Honore de Montgomeri terræ assertandæ per* Perticam *Regis* 24 *Pedum.* Claus. 11 Hen. 3. m. 6. *In Foresta de Cank*, Pertica 25 *Pedum.* Int. Plac. Hill. 10 Edw. 2. Staff. 36.——*Per* Perticam 20 *Pedum in Foresta nostra de Clarendon.* Mon. Angl. 2 Par. fol. 273. b. *Perticata de* 24 *pedibus in Mineriis de Derbyshire.* Esc. 16 Ed. 1. N. 34. *Per Perticam xxi pedum in Wyndesore.* Antiq. MS. in Thesauro Regis de vastis arentatis 32 Ed. 1. f. 3. See *Pes Forestæ.*

Perchers, The *Paris* Candles used formerly in *England* were so called. See *Stow's* Survey of *London, pag.* 71. The Reason I presume was this, The larger Sconces or Candlesticks for the Tapers or Lights on the Altar were called *Pertica, Perches:* Hence the bigger Candles, especially of Wax, that were commonly set upon the Altars, were

were called *Perchers.* ——— *Insuper & in capella beatæ virginis superius in australi Ecclesiæ latere præparata, duas* perticas *pro superponendis cereis decenter ordinatas.* Hist. Croyl. Contin. sub Anno 1405.

Per cui et post. See *Entry.*

Perdings, 'Tis mentioned in *Leg. H.* 1. *c.* 29. and it signifies the Dregs of the People, *viz.* Men not worth a Farthing.

Perdonatio utlagariæ Is a Pardon for him, who for Contempt in not coming to the King's Court, is outlawed, and afterwards, of his own Accord, yieldeth himself to Prison. *Reg. Judicial, fol.* 28. *Leg. Edw. Confes. cap.* 18. & 19.

Pere & pite, In the Constitution of *Canutus* concerning the Forest, *cap.* 17. we have these Words, *Si quis autem contra primarium pugnaverit, in placito emendet secundum pretium sui ipsius, quod Angli* Pere & pite *dicunt, & solvat primario* 40 *sol. Rectius autem* Were & Wite. *Sax.* See *Were.*

Peremptory, *Peremptorius,* Cometh of the Verb *perimere,* to cut off, and joined with a Substantive (as Action or Exception) signifies a final and determinate Act, without Hope of renewing or altering. So *Fitzherbert* calleth a *Peremptory Action. Nat. Brev. fol.* 35, 38, 104, 108. and *Nonsuit peremptory,* Idem. fol. 5. 11. A *peremptory Exception.* Bracton, lib. 4. cap. 20. *Smith de Rep. Anglor.* lib. 2. cap. 13. calleth that a *peremptory Exception,* which makes the State and Issue in a Cause.

Perinde valere Is a Term that belongs to the *Ecclesiastical Law,* and signifies a Dispensation granted to a Clerk, that being defective in his Capacity to a Benefice, or other Ecclesiastical Function, is *de facto* admitted to it; and it hath the Appellation from the Words, which make the Faculty as effectual to the Party dispensed with, as if he had been actually capable of the Thing for which he is dispensed with at the Time of his Admission. 25 *H.* 8. *cap.* 21. It is called a *Writ.*

Perindinare, To stay, remain, or abide in a Place. *Patri qui tunc Londiniis* perindinavit *nuntios dirigens.* Mat. Westm. Anno 1016. Forteseue, cap. 35, 36.

Perjury, (*Pejurium,*) *Est mendacium cum juramento firmatum,* Is a Crime committed, when a lawful Oath is ministred by any that hath Authority to any Person in any judicial Proceeding, who swears absolutely and falsly in a Matter material to the Issue, or Cause in Question, by their own Act, or by the Subornation of others. And if a Man call me *Perjured Man,* I may have my Action upon the Case; but it must be intended contrary to my Oath in a judicial Proceeding: But for calling me a *Forsworn Man,* no Action lies; because the Forswearing may be *Extra-judicial. Coke's Inst.* 3 *part. fol.* 163. 23 *Hen.* 8. *cap.* 3. Excepted out of the Act of *General Pardon,* 12 *Car.* 2. *cap.* 11. How punished in *Wales; Anno* 26 *Hen.* 8. *cap.* 4. and 5 *Eliz. cap.* 9.

Perkins Was a learned Lawyer, a Fellow and Beneher of the *Inner Temple,* that lived in the Days of *Edward* the Sixth, and Queen *Mary.* He wrote a very excellent Book upon divers Points of the Common Law.

Permentarius, *i. e. Qui vestes parat, i. e. Ornat.* 'Tis a Word often mentioned in the *Monastic. viz.* 1 *Tom. pag.* 987. *Ut nec mercator nec institor nec* Permentarius *nec conversarius non vendat, &c.*

Permutatione Archidiaconatus & Ecclesiæ ejusdem annexæ cum Ecclesia & Præbenda, Is a Writ to an Ordinary, commanding him to admit a Clerk to a Benefice, upon Exchange made with another. *Reg. Orig. fol.* 307.

Pernancy, A taking or receiving Tithes in *Pernancy*; that is, Tithes taken, or that may be taken in Kind.

Pernor of Profits, (derived of the French *Preneur,* a Taker or Receiver) Is he that takes or receives the *Profits,* as *Pernor of Profits.* 1 H. 7. 1. *Pernor of Profits,* and *Cestuy que use,* is all one. *Co. Rep.* 1. *fol.* 123. *Chudley's* Case. See 21 *R.* 2. *cap.* 15. and *Co. on Lit. fol,* 589. *b.*

Per my & per tout. A Joint-tenant is said to be seised of the Land he holds jointly *Per my & per tout, i. e.* He is seised by every Parcel, and by the Whole. *Litt. sect.* 288. *Totum tenet & nihil tenet, sc. totum conjunctim & nihil per se separatim.* Bract. lib. 5. 430.

Perpars, A Part or Share of the Inheritance, See *Fleta, lib.* 2. *cap.* 54. *par.* 19. *viz. Tanquam terram quæ sibi descendit in* perpartem *de hæreditate, &c.*

Perpunctum, The same with *Gambiso, i. e.* a quilted Doublet, *viz.* quilted with Wool, *Acu perpuncta,* on which they put their Armour, to make it set easy. See *Mandat. H.* 3. *super jurat ad arma Addit. Mat. Paris. viz. Ad Centum solidatas terræ unum* Perpunctum, *capellum ferreum, gladium, &c.* See *Gambezon.*

Per quæ servitia Is a Writ judicial, issuing from the Note of a Fine, and lieth for Cognisee of a Manor, Seigniory, chief Rent, or other Services, to compel him that is Tenant of the Land at the Time of the Note of the Fine levied, to attorn unto him. *West. Symbol. part* 2. *Tit.* Fines, *sect.* 126. *Old Nat. Brev. fol.* 155. *New Book of Entries,* verbo *Per quæ servitia.*

Perquisite, *Perquisitum,* Is any Thing gotten by a Man's own Industry, or purchased with his own Money, different from that which descends to him from his Father or Ancestor; and so *Bracton* uses it, when he says, *Perquisitum facere, lib.* 2. *cap.* 30. *num.* 3. & *lib.* 4. *cap.* 22.

Perquisites of Court Be those Profits that grow to a Lord of a Manor, by Virtue of his Court-Baron, over and above the certain yearly Profits of his Land, as Fines of Copyholds, Hariots, Amerciaments, Waifs, Strays, *&c. Perkins, fol.* 20, 21.

Person. See *Parson.*

Personable, *Personabilis,* Signifies as much as inabled to maintain Plea in Court: As for Example, the Defendant was judged *personably* to maintain this Action. *Old Nat. Brev. fol.* 142. And in *Kitchin, fol.* 214. The Tenant pleaded, that the Wife was an Alien born in *Portugal,* without the Legiance of the King, and Judgment was demanded whether she should be answered: The Plaintiff saith, she was made *personable* by Parliament, that is, as the *Civilians* would speak it, *Habere* personam *standi in judicio. Personable* is also as much as to be of Capacity to take any Thing granted or given. *Plowden, fol.* 27. *Colthrist's* Case.

Personal, *Personalis,* Being joined with the Substantives, Things, Goods or Chattels, as Things *personal,* Goods *personal,* Chattels *personal*; signifies any moveable Thing belonging to a Man, be it quick or dead: So it is used in *West. Symbol. part* 2. *Tit.* Enditements, *sect.* 58. in these Words,

Theft is an unlawful felonious Taking away another Man's moveable *perſonal* Goods, ſo alſo 61. And *Kitchin, fol.* 139. ſaith, Where *perſonal* Things ſhall be given to a Corporation, as a Horſe, a Cow, Sheep, or other Goods, &c. And *Staundf. pl. cor. fol.* 25. *Contrectatio rei alienæ*, is to be underſtood of Things *perſonal*; for in Things real it is not Felony, as the Cutting of a Tree is not Felony. See *Chattels.*

Perſonal Tithes Are *Tithes* paid of ſuch Profits as come by the Labour of a Man's Perſon, as by buying and ſelling, Gains of Merchandiſe and Handycrafts, &c. See *Tithes.*

Perſonalty, *Perſonalitas*, Is an Abſtract of *Perſonal.* The Action is in the *Perſonalty. Old Nat. Brev. fol.* 92. that is to ſay, it is brought againſt the right Perſon, or the Perſon againſt whom in Law it lies. *In vocabulario utriuſque juris*, I find the Word *Imperſonalitas*; For ſays that Author, *Perſonalitas ſignificatur per has dictiones, (tu mihi, ego tibi) cum alio ſignificato quod probabiliter concluditur, & ſi nullo modo concludatur tunc eſt imperſonalitas.*

Perſona perſonata, *Rot. Quo War.* 3 *Edw.* 3. See *Parſon imparſonee.*

Perſons ne Prebendaries ne ſeront chargee as quinſimes, &c. Is a Writ that lies for *Prebendaries*, or other ſpiritual Perſons, being diſtrained by the Sheriff, or Collectors of Fifteens, for the Fifteenth of their Goods, or to be contributary to Taxes. *F. N. B. fol.* 176.

Perticata terræ Is the fourth Part of an Acre, which in the whole Superficies contains Forty *Perticas.* See *Perches.*

Perticulas. The King granted to *Luke Marguin de inſula de Man Scholari, quandam eleemoſynam vocatam* Perticulas *ad ſuſtentationem cujuſdam pauperis Scholaris de inſula prædicta ad exercend. Scholas, per progenitores noſtros, quondam Reges Angliæ datam & conceſſam.* Pat. 5. Hen. 4. m. 16.

Pertinens Was anciently uſed for a Kinſman or Kinſwoman, *Si quis cum* pertinente *ſua jaceat, emendet hoc ſecundum cognationis modum, ſit Wera, ſit Wita, ſit omni pecunia, non eſt æquale, ſiquis cum ſorore ſua concumbat, & fuerit de longe* pertinens. *Leg. Canuti Regis, cap.* 48.

Pertum for *Perca*, or *Pertica, i. e.* a long Pole. 'Tis mentioned in *Knighton, Anno* 1391. *Convenerunt in Curia ſua multæ turmæ Atomorum & Muſcarum & maximam ſtragem fecerunt, adeo ut ſcopis & pertis mundarent locum de interfectis, i. e.* they cleared the Place with Poles and Bruſhes.

Perviſe or **Parviſe**, *Perviſus, Parviſia*, Is derived from the French *Le Parvis. Forteſcue de laudibus legum Angliæ, cap.* 51. *pag.* 124. hath theſe Words, *Sed tunc placitantes (i. poſt meridiem) ſe divertunt ad* perviſum *& alibi conſulentes cum ſervientibus ad legem & aliis conſiliariis ſuis.* Of which *Chaucer* thus, *Prolog.* 9.

A Serjeant at Law, that ware and wiſe,
That often had been at the *Parviſe.*

Nam ibi legis periti convenere ut clientibus occurrerent, non ad tyrocinia juris, quas motas vocant exercenda, ſays *Spelman. Selden* in his Notes on *Forteſcue, pag.* 56. ſays, it ſignifies an Afternoon's Exerciſe or Moot, for the Inſtruction of young Students, bearing the ſame Name originally with the *Parviſiæ* in *Oxford.* Mr. *Somner* ſays, *Perviſe* ſignifies *Palatii Atrium vel Area illa a fronte Aulæ* Weſtm. *hodie*, the Palace-yard. See his *Gloſſ. in* 10 *Scriptores*, verbo *Triforium.* And ſee *Wood's Hiſt.* of *Oxford*, 2 *Par. fol.* 6. See *Paradiſus.*

Peſa, Penſa, Piſa, A *Wey* or *Weigh*, or certain Weight and Meaſure of Cheeſe and Wool, &c. containing Two hundred fifty-ſix Pounds.—— *Herveus Epiſc.* Elien. *conceſſit Monachis quatuor* penſas *caſei in* Dereford, *& ſex* penſas *ſalis in* Tyningtoun. *Hiſtor. Elien. apud Whartoni Angli. Sac. P.* 1. *pag.* 617.

Peſage, (*Peſagium.*) Cuſtom paid for weighing Wares or Merchandiſe. *MS. tem. Edw.* 3. For *Peiſa* we find uſed for *Pondus.* Hence to *Peiſe* or *Poiſe, Ponderare. Galfridus* (Plantagenet) *Regis Henrici Filius, Dux Britanniæ & Comes Richmundiæ, dedi*—— *Tronagium &* Peſagium *de Nunainis meis Sancti Botulphi, & quicquid ad Tronagium &* Peſagium *pertinet, &c.* Selden's Tit. Hon.

Peſarius, A Weigher. *De quolibet ſacco lanæ, per licenciam Juſtic. infra muros dictæ Civitatis* (ſc. Wintoniæ) *vendito, pro* Peſario *Epiſcopi quatuor Denar. & pro feodo* Peſarii *unum Denar.*—— Pat. 2 Ed. 4. pars 6. m. 6.

Peſentum Anguillarum.—— *Unum* peſentum Anguillarum *x. l. Valet Groſſas Anguillas.* Dugd. Monaſt. Angl. part 1. p. 363. b.

Pes Foreſtæ,—— *Notandum eſt quod* pes foreſtæ *uſitatus tempore* Ric. Oyſell *in arrentatione vaſtorum, factus eſt, ſignatus & ſculptus in pariete Cancellæ Eccleſiæ de* Edwinſtone, *& in Eccleſia* B. Mariæ *de* Nottingham, *& dictus* pes *continet in longitudine octodecim pollices, & in arrentatione quorundam vaſtorum pertica* 20, 21. *&* 24. *pedum uſa fuit, &c.* Ex Regiſt. Abb. de Novoloco in Com. Not. penes Rob. Comitem Kingſtoniæ, Anno 1630. See *Spelman eodem verbo.*

Pes Monetæ, The Foot of Money, called by the French *Pied de Monoye*, is a true and reaſonable Adjuſtment of the intrinſick and extrinſick Value of all current Coins.

Peſſia, *i. e.* A Piece of any Thing, *Dono* peſſiam *de Campo, &c.*

Peſſona, Maſt, *Md. quod Anno regni Regis Hen. filii Regis Joh.* 37. *Dominus de* Frechevil *& homines ſui in boſco de* Derley, *apud* Cruche, Peſſonam, *ſcil. glandes & nuces, virgis & cortis excuſſiſſet & querela inde deducta in Comitatu, &c. Anno gratiæ*, MCCLXIII. Mon. Angl. 2 Par. fol. 231. b. So *tempus Peſſonæ*, and *tempus Peſſonis*, often occurs for Maſt-time, or the Seaſon when Maſt is ripe; which in *Norfolk* they call *Shacking time.*——*Quod habeat decem porcos in* tempore de Peſſon *in boſco meo, &c.* fol. 113. 10.

Peſſurable Wares Seem to be ſuch *Wares* or Merchandiſe as *Peſter*, and take up much Room in a Ship. 32 H. 8. *cap.* 14.

Peſtitus for **Paſtitus**, *i. e.* Paſture Grounds.

Peter-Corn. *Rex* Athelſtanus *conceſſit Deo & beato* Petro *Ebor. & colideis prædictis de qualibet Caruca arante in Epiſcopatu Eboraci unam Travam bladi*, Anno Domini 936. *quæ uſque in præſentem diem dicitur* Peter-Corn. Ex Reg. S. Leonardi Ebor. in Bibl. Cottoniana, fol. 5. a. *Conceſſiones travarum vocat.* Peter-Corn *per totum Arciepiſcopatum Ebor. quas primus Ethelſtanus quondam Rex Angliæ conceſſit Deo & beato Petro & colideis apud Eboracum. Reg. S. Leonardi Ebor. Cotton. Nero. D.* 3. *f.* 59.—— *Contentio inter Magiſtrum & Fratres Hoſpitalis S. Leonardi Ebor. & conventum de Malton ſuper trabis camearum vocat.* Peter-Corn *in craſtino S. Botulfi.* 1266.

Collect. Rog. Dodſworth, Vol. 78. pag. 212. MS.

Peter-men, Thoſe who uſed unlawful Arts and Engines for catching Fiſh on the River *Thames*. See *Stow's Survey of London*, *pag.* 19.

Peter-Pence. *Denarii*, *Sancti* Petri, otherwiſe called in the *Saxon* Tongue *Romefeoh*, the Fee of *Rome*, or Due to *Rome*; and alſo *Romeſcot* and *Rome-pennying* was a Tribute given by *Inas* King of the *Weſt-Saxons*, being in Pilgrimage at *Rome* in the Year of our Lord 720. which was a Penny for every Houſe. *Lamb. Eplication of* Saxon *Words*, verbo *Nummus*. And the like given by *Offa*, King of the *Mercians*, through his Dominions, in *Anno* 794. not as a Tribute to the Pope, but in Suſtentation of the *Engliſh* School or College there; and it was called *Peter-Pence*, becauſe collected on the Day of St. *Peter ad Vincula*, which was a Penny for every Houſe. *Spelm. de Concil. Tom.* 1. *fol.* 3. 2. And in St. *Edward's* Laws, *num.* 10. where we may read theſe Words, *Omnes qui habent* 30. *denariatus vivæ pecuniæ in domo ſua de ſuo proprio, Anglorum lege dabit denarium ſancti* Petri, *& lege Danorum dimidiam marcam; Iſte vero debet ſummoniri in ſolennitate Apoſtolorum* Petri & Pauli *& Collegii ad feſtivitatem quæ dicitur* ad vincula, *ita ut ultra illum diem non detineatur*, &c. See alſo King *Edgar's Laws*, *fol.* 78. *cap.* 4. which contain a ſharp Conſtitution touching this Matter. *Stow* in his *Annals*, *p.* 67. ſaith, That he who had Twenty Pennyworth of Goods of one Sort in his Houſe, was to give a Penny at *Lammas* yearly. See *Romeſcot*.

St. Peter ad vincula, Anno 4 Ed. 4. cap. 1. & 17 Ed. 4. cap. 5. See *Gule of Auguſt*.

Petition (*Petitio*,) Signifies in general a Supplication made by an Inferior to a Superior, and eſpecially to one having Juriſdiction. *Anno* 13 *Car.* 2. *cap.* 5.

Petit Cape. See *Cape*.

Petit Larceny. *Parvum Latrocinium*. See *Larceny*.

Petit Serjeanty, *Parva Serjeantia*. To hold by *Petit Sergeanty*, is to hold Lands or Tenements of the King, yielding him a Knife, a Buckler, an Arrow, a Bow without a String, or other like Service, at the Will of the firſt Feoffor; and there belongs not Ward, Marriage or Relief. And here obſerve, that none can hold by *Grand* or *Petit Sergeanty*, but of the King. But ſee the Statute 12 *Car.* 2. *c.* 24.

Petit Treaſon, *Parva proditio*, In French *Petit trahizon*, *i. proditio minor*, *Treaſon* of a leſſer or lower Kind; for whereas *Treaſon* in the higheſt Kind, is an Offence done againſt the Security of the Commonwealth. *Weſt. Symbol. part* 2. *Tit.* Indictment, *ſect.* 63. So is *Petit Treaſon*, though not ſo expreſly. *Petit Treaſon* is, if a Servant kill his Maſter, a Wife her Husband, a ſecular or religious Man his Prelate. 25 *E.* 3. *cap.* 2. whereof ſee more in *Staundf. Pl. Cor. lib.* 1. *cap.* 1. *Crompton's Juſtice of Peace*, *fol.* 2. And for the Puniſhment of it, ſee the Statute 22 *H.* 8. 14. and *Cromp. ubi ſupra*.

Petoxira, The ſame with *Petrariæ*.

Petra Is a Sort of Weight, we call it a *Stone*, but differing in many Places of *England*; ſomewhere conſiſting of 16, other-where of 14, 12, or 8 Pounds.——*Una libra ſepi ad candelas valet obolum, & ſic valet* petra *vi den. una libra ſepi fuſi ad mortarium valet obolum quadrantem, & ſic valet* petra *ix den.* Regulæ compoti domus de Farendon, MS. *Unus quintallus ferri vel aceri qui continet ix* petras *dimid. libra valet ix ſol. & ſic valet quælibet* petra *xii den. quælibet libra i den. ib.*

Petra Lanæ, A Stone of Wool. See *Stone*.

Petraria Is ſometimes taken for a Quarry of Stones, and in other Places for a great Gun called *Petrard*: 'Tis often mentioned in old Records and Hiſtorians in both Senſes.

Et valido dum forte Ducis Petraria *Saxi,*
Ictu dimiſſi percuſſa fuiſſet ab alto.

Petty-fogger, (from the Fr. *Petite*, ſmall, and Sax. *Fogere*, a Wooer, Suiter, or Solicitor,) a ſilly Advocate, a Petty Attorney or Lawyer; or rather a Trouble-Town, having neither Law nor Conſcience.

Petuaria, *Beverley* in *Yorkſhire*.

Petus, *Peta*, *Pete*, Combuſtible Earth dug up in ſmall Pieces for Fuel.——*ad cariandum* petum *& calcetum & bladum de prædicto manerio ſuo.*——Cartular. Abbat. Glaſton. MS. fol. 88. b.

Phalera. See *Fallera*.

Pharos, A Watch-Tower; no Man may build or erect any Light-Houſes, *Pharos*, Sea-marks or Beacons, without lawful Warrant and Authority. 3 *Inſt. fol.* 204.

Philizer. See *Filacer*.

Picards, A Sort of Boats of Fifteen Tun, or upwards, uſed on the River of *Severn*, mentioned 34 & 35 *H.* 8. *cap.* 3. Alſo a Fiſher-boat, 13 *Eliz.* 11.

Picarium, *Bicarium*, A Bowl or Cup with two Ears or Handles.——*Idem Abbas reliquit unum ſalarium argenteum, & picarium argenteum, item quatuor ciphas de mazere.* Cartular. Abbat. Glaſton. MS. fol. 54. a.

Piccage, *Piccagium*, From the French *Piquer*, *effodere*; Money paid in Fairs, to the Lord of the Soil, for breaking of the Ground to ſet up Booths or Stalls, *Aliquis veniens ad forum noſtrum de Rudham cum rebus ejus, & frangendo vel pictando aliquam placeam in dicto foro, Prior habebit inde redemptionem.* Ex Regiſtro Priorat. de Cokesford.

Picheria, *Picherus* A Pot, a Picher.——*In ollis & picheriis emptis* ii *den. ob. diſcis & platellis*, ii *den. ob.*——Conſuetud. domus de Farendon, MS. fol. 16.——*extrahet a quocunq; vaſe in dicta hotellaria invento vinum quantum viderit neceſſarium pro factura unius* picheri *claretti, quod faciat ad ſumptus Regis.*—— 5 Ed. 3.

Picherum. See *Bicarium*.

Pickards, *No Perſon ſhall uſe any Iron Cards or* Pickards *in rowing any Woollen Cloth, upon Pain to forfeit the ſame, and* 20*s. for every Offence*, Anno 3 & 4 E. 6. cap. 2.

Picle alias **Pightell**, *Pictellum*, A ſmall Parcel of Land incloſed with a Hedge, which the common People of *England* do in ſome Places call a *Pingle*, and may perhaps be derived from the *Italian* Word *Picciola*, *i. parvus*.

Picus, *Pica*, *Pico*, An Iron Inſtrument for digging and pecking. A Pick, a Pick-ax.——*Videtis Lathomum inuſitatum, marros*, picas, *ſculcas bajulantem, terram fodientem, lapides ſcindentem*, &c. Vita Rob. Betun Epi. Hereford apud Whartoni Angl. Sac. P. 2. pag. 302.

Pie-Powder Court, *Curia pedis pulverizati*. From the French *Pied*, i. *pes*, and *Pouldreux*, i. *Pulve-*

Pulverulentus; is a Court held in Fairs, to yield Juſtice to Buyers and Sellers, and for Redreſs of all Diſorders committed in them; and ſo called, becauſe they moſt uſually are in Summer, and the Suiters commonly are Country-People with duſty Feet; or from the Expedition intended, in the Hearing of Cauſes proper thereunto, before the Duſt goes of the Plaintiffs or Defendants Feet; it is held *De hora in horam*. Skene de verbor. ſignific. *verbo* Pede-pulveroſus, ſays the Word ſignifies a Vagabond; eſpecially a a Pedlar, which hath no Place of Dwelling, and therefore muſt have Juſtice ſummarily adminiſtred to him, *viz.* within Three Ebbings and Three Flowings of the Sea. *Bracton, lib.* 5. *tract.* 1. *cap.* 6. *num.* 6. calleth it *Juſtitiam pepoudrous*. Of this *Court*, read the Statute 17 *E.* 4. *cap.* 2. *Co.* 4 *Inſt. fol.* 272. and *Cromp. Jur. fol.* 221. See *Juſtices of the Pavilion*. This among our old *Saxons* was called *Ceapung-gemot*, *i. e.* A Court for Merchandiſe, or handling Matters of buying and ſelling. 'Tis mentioned in *Doctor and Student*, *cap.* 5. who tells us, 'tis a Court incident to Fairs and Markets, to be held only during the Time that the Fairs are kept.

Pies (*Anno* 3 & 4 *Edw.* 6. *cap.* 10.) Are reckoned among the Books prohibited by that Statute, but I could never learn what they were.

Pies, *Freres pies*, Were a Sort of Monks; ſo called, becauſe they wore black and white Garments like *Magpies*. They are mentioned by *Walſingham*, *pag.* 124. *In quodam veteri cœmeterio, quod fuerat quondam fratrum, quos* Freres pies *veteres appellabant*.

Pietantia, *Pitantia*, A Pittance, a ſmall Largeſs, an allotted Portion of Meat and Drink diſtributed to the Members of ſome collegiate Body, or other People, upon a high Feſtival, a ſtated Anniverſary, or ſuch like Solemnity.—— The Deſign of their Inſtitution is thus delivered in the Statutes of *Ralph Baldock* Dean of *Pauls*, *A. D.* 1298.—— Pitantiæ *ſunt antiquitus vel noviter inſtitutæ propter ſolemnitatem Feſtorum augmentandam per præſentiam multorum quorumcunque graduum ſcil. eundem habitum geſtantium, & Officium ſeu obſequium certo die feſtivo ſeu anniverſario peculiaritur exercentium*. Ex Libro Statut. Eccl. Paul. London. MS. See *Pittance*.

Pietantiarius, The *Pittancer* or *Officer* in Collegiate Churches, who was to diſtribute the ſeveveral *Pittances* at ſuch Times, and in ſuch Proportions as the ſeveral Founders or Donors had appointed.

Pig of Lead. See *Fother*.

Pigmentum, An old potable Liquor made of Honey and Wine, and Spices.—— *Ad hæc etiam in tanta abundantia vinum hic videas & ſiceram*, pigmentum *& claretum, muſtum, &c.* Girald. Cambr. apud Whartoni Angl. Sacr. P. 2. pag. 480.

Pike or Picke. See *Polein*.

Pila Is that Side of Money which we call *Pile*, becauſe it was the Side on which there was an Impreſſion of a Church built on *Piles*. *Fleta, lib.* 1. *cap.* 39. He who brings an Appeal of Robbery or Theft againſt another, muſt ſhew the certain Quantity, Quality, Price, Weight, Number, Meaſure, *Valorem* & Pilam, where *Pilam* ſignifies *figuram Monetæ*.

Pilatus, In the Aſſize of Arms, *Anno* 36. *E.* 3—— *Omnes alii qui poſſunt habere arcus & ſagittas, extra foreſtam habeant; qui vero in foreſta, habeant arcus & pilatos*. Dr. *Wats* in his *Gloſſary* on this Word, is guilty of a plain Miſtake: For, ſays he, *In ſtatuto noſtro, Anno* 13 *Ed.* 1. *cap.* 6. *Anglice vertitur* bolt, *ſed viderint ipſi Legales annon potius pro ſagittis ferro ſpiculatis vox ſit accipienda. Nam ſagittæ ſpiculum* the Pile *adhuc dicimus*. Bolts *ſunt ſagittæ catapultarum totæ ligneæ & obtuſæ quibus aves ferimus.*—— The Word is properly rendered *Bolts*, *i. e.* Blunts, or blunted Arrows. For Perſons without the Bounds of a Foreſt, might ſhoot with ſharp or pointed Arrows; but within the Foreſt, to preſerve the Deer, they were to ſhoot only with Blunts, or Bolts, or Piles. For what *Mat. Pariſ.* calls *Pilatus*, is termed a *Pile* in the Statutes of *William* King of *Scotland*, c. 23. *de venientibus ad guerram*, ſect. 5. & *omnes ubiq; qui habere poterunt, habeant arcum & ſagittas extra foreſtam, & infra foreſtam arcum &* Pile. Hence *Sagitta piletta* was oppoſed to *Sagitta barbata*; this latter, the bearded Arrow, was made for ſharp and deeper Execution, but the *piled Arrow* had a *Pile* or Button fixed near the Point, to hinder the Entrance of it. As *Blunts* oppoſed to *Sharps* in Rapiers.—— *Cum intrant prædictam foreſtam ad berſandum Foreſtarii non portabunt in boſco ſagittas barbatas ſed* pilettas—— *Anno* 31 *H.* 1.

Pilettus,——*Et quod Foreſtarii ſui non portabunt ſagittas barbatas ſed* Piletas. *Carta Rogeri de Quincy*, 31 *H.* 3. Such Arrows as had a round Knob a little above the Head, to hinder them from going too far into the Mark, from the Latin *Pila*, which ſignifies any round Thing like a Ball.

Pileus ſuppoztationis, A Cap of Maintenance. Pope *Julius* ſent ſuch a Cap with a Sword to *Hen.* 8. *Anno* 1514. *Holling. pag.* 827. but there is Mention made of ſuch a Cap by *Hoveden, pag.* 656. at the Coronation of *Richard* the Firſt, where it is ſaid,—— *Deinde venerunt* Godofridus *de Luci portans* pileum *Regium*, & Johannes Mareſcallus *juxta eum portans duo calcaria aurea, &c.*

Pille of Foddzay or Fouldzey, In the County Palatine of *Lancaſter*, *Anno* 2 *H.* 6. *cap.* 5. ſeems to be a Defence built on a Creek of the Sea, and called *Pille* by the *Idiom* of the Country for a *Pile*. This *Pile* was erected there by the Abbot of *Forneſſe*, in the firſt Year of *Edw.* 3. *Cam. Brit. Rex*—— *Dedimus Henrico Comiti Northumberland inſulam, caſtrum*, Pelam & *Dominium de Man, &c.* Rot. Pat. 1 Hen. 5. m. 6

Pillozy (*Colliſtrigium*, *q. Collum ſtringens*; *Pilloria*, from the French *Pilleur*, *i. e. Depeculator*,) is an Engine made of Wood to puniſh Offenders, well known. By the Statute of 51 *Hen.* 3. you may ſee who were then ſubject to this Puniſhment. In the Laws of *Canutus*, *cap.* 42. It is called *Halſfange*. Sir *Henry Spelman* ſays, 'tis *Supplicii Machina ad ludibrium magis quam pœnam.*—— *Item utimur tenere Statuta Piſtorum omnino ſicut anteceſſores noſtri tenuerunt, viz. Quod ſi Piſtor in male agendo puniatur per tres vices, & ſi poſt tertiam monitionem culpabilis inveniatur, Balivi Capitales, ſi ipſum poterint invenire, ipſum capiant, & pro toto puniant, & habebit vile & odibile Judicium de* Colliſtrigio, *i. e.* the *Pillory*. MS. Codex de LL. & Conſuetud. Burgi-villæ Montgom. a temp. Hen. 2. fol. 12. b. See *Healſang*.

Pilla terræ, A *Pill*, a ſmall Piece or Slip of Ground.—— *Noveritis me dediſſe quatuor caſas terræ*

& *unam* piltam *prati vocatam* Walske pille infra *parochiam prædictam.* — Cart. Thomæ Epiſc. Batho Well. Dat. 4 Nov. 4 E. 4.

To pinnas vibere, The old Cuſtom of Drinking brought in by the *Danes*, was to fix a Pin in the Side of the Waſſel-bowl or wooden Cup, and ſo to drink exactly to the Pin, as now in a ſealed Glaſs, &c. This provoking Art of Drunkenneſs was forbid the Clergy, in the Counceil at *London*, *Anno* 1102. *Presbyteri non eant ad potationes, nec* ad pinnas bibant. *Du Freſne* cites this Conſtitution in the Word *Pinna*, and betraying his Ignorance in *Engliſh* Matters, would correct the Word; *Forte* (*inquit*) *legendum* pilas, *i. e. tabernas.*

Pinſinochium, A Bake-houſe, *Locus pinſandi ubi panes conficiunt.* The Book of St. *Albans* in the Life of *Paul* the fourth Abbot there, ſays, *Iſte hanc Eccleſiam cæteraque ædificia, præter Piſtrinam &* Pinſinochium, *reædificavit ex Lapidibus & tegulis veteris civitatis Verolamii, &c.* by which it ſeems that many of the Ruins of that ancient City remained until that Abbot's Time, who died *Anno* 1093.

Pioneers Cometh of the French *Pionier, i. foſſor*, and ſignifieth ſuch Labourers, as are taken up for the King's Army, to caſt up Trenches, and undermine Forts. 2 & 3 *E. cap.* 20.

Pipe, *Pipa*, Is a Roll in the Exchequer, otherwiſe called *The great Roll*, *Anno* 37 *E.* 3. *cap.* 4. See *Clerk of the Pipe.* It is alſo a Meaſure of Wine or Oyl, containing half a Tun, that is, Six-ſcore and ſix Gallons. 1 *R.* 3. 3.

Pirata, A *Pirate*, is now taken for one who maintains himſelf by Pillage and Robbing at Sea. But in former Times, the Word was uſed in a better Senſe, being attributed to ſuch Perſons to whoſe Care the Mole or Pier of a Haven was intruſted. And ſometimes for a Sea-Soldier, according to the learned *Spelman.* The Word is mentioned in 13 *Car.* 2. *cap.* 6. and the Puniſhment of them in 28 *H.* 8. *cap.* 115. *Aſſer. Menevens. Epiſt. in vit.* Ælfredi——— *Rex* Ælfredus *juſſit cymbas & galeas, i. longas naves fabricari per Regnum, ut Navali prælio hoſtibus adventantibus obviaret: Impoſitiſque* piratis *in illis, vias maris cuſtodiendas commiſit.*

Piſa: The ſame with *Pieſa*, a Pound-Weight; *Tres* piſas *caſeorum.* Will. Thorn. pag. 1777, 1931.

Piſcary (*Piſcaria*, from the Fr *Peſcherie, i. e. Piſcatio,*) Is a Liberty of Fiſhing in another Man's Waters: In Law-*French*, *Pecherie.* Vide *Ryly's Plac. Parl.* 646.

Universis præsentes literas inspecturis Edmundus *filius inclitæ recordationis Henrici Regis Angliæ ſalutem. Sciatis nos dediſſe & conceſſiſſe Henrico Howeyn de Huttokeſhather totam* Piſcariam *noſtram in ſtagno noſtro ſupra molendinum ſuum de Huttokeſhather. Habendum, &c. In cujus rei, &c. Dat. apud Tuttebir. per manum Hugonis de Gien Clerici noſtri octavo die Julii, Anno regni Regis Edwardi germani chariſſimi xi.* Penes Walterum Kirkham Blount, Bar.

Piſcenarius Is uſed in our Records for a Fiſhmonger. *Pat.* 1 *Ed.* 3. *Pars* 3 *M.* 13. See *Puleterius.*

Pit, It is a Hole wherein the *Scots* uſe to drown Women Thieves. *Skene.*

Pit and Gallows. See *Foſſa and Furca.*

Pitance, *Pitancia*, a ſmall Repaſt of Fiſh or Fleſh. *Rot. Char. de Anno* 1 *Reg. Joh. pag.* 2. *num.* 115. *Johannes Dei Gratia, &c. Noverint, &c. nos aſſenſum noſtrum præbuiſſe, &c. de Manerio de* Milde-Hall, *quod Manerium ſancto* Edmundo *ſicut jus ſuum conceſſimus, &c. ita quod, qui pro tempore Sacriſta fuerit,* 12 *s. de redditu altaris annuatim perſolvat Hoſpitali S. Salvatoris quod eſt extra muros Sancti* Edmundi, *&c. in uſus pauperum, &c. &* 40 *s. ad refectionem Monachorum qui illis diebus Officia divina pro defunctis celebrabunt, quæ refectio* pitania *vocatur.* See *Spelman* verbo *Pitanciarius.*

Pitanciarius Was an Officer in the Monaſteries, whoſe Buſineſs it was to provide and diſtribute the *Pitances* of Herbs and Meat amongſt the Monks. 'Tis mentioned in the *Monaſt.* 1 *Tom. pag.* 148.

Pitching pence, (commonly a Penny) Is that Money which is paid for *pitching* or ſetting down every Sack of Corn, or Pack of any other Merchandiſe in Fairs or Markets.

Pitell alias Pightell. See *Picle.*

Pitiſſare for Potare: *Inter labia ſua ſonitum* pitiſſando *faciat. Eadmerus in vita* Anſelmi. cap. 15.

Placard, *Anno* 2 & 3 *P. & M. cap.* 7. Is a Licenſe whereby a Man is permitted to ſhoot in a Gun, or uſe unlawful Games: In *French* it ſignifies a Table, where Orders are written, and hung up; and *Placaert* in Dutch is an Edict or Proclamation. See 33 *H.* 8. 6.

Placeta Seems to ſignify a Piece or Parcel, if of Lands; and a Place, if of a Houſe or Meſſuage; as *Placeta Meſſuagii, Placeta Prati*, and *Placeta Paſturæ.*

Placita, Pleas, or Pleadings, or Debates and Trials at Law. *Placita* is a Word often mentioned in our Hiſtories and Law-Books: At firſt it ſignified the publick Aſſemblies of all Degrees of Men where the King preſided, and where they conſulted about the great Affairs of the Kingdom; and theſe were called *Generalia* Placita, becauſe *Generalitas univerſorum majorum tam Clericorum quam Laicorum ibidem conveniebat.* This was the Cuſtom in our neighbouring Nation of *France*, as well as here, as we are told by *Hincman, De Ordine palatii, cap.* 29. And by *Bertinian*, in his *Annals* of *France* in the Year 767.

Some of our Hiſtorians, as *Simeon* of *Durham*, and others, who wrote above 300 Years afterwards, tell us, that theſe Aſſemblies were held in the open Fields; *Nullam enim oportet Regem in literis aſſignare Curiam, quia ubi Rex judicat in aperto; ibi eſt Curia ſua.* Some are of Opinion, that theſe *Placita generalia*, and *Curiæ Regis*, were what we now call a Parliament: 'Tis true, the Lords Courts were ſo called, *viz. Placita generalia*, but oftner *Curiæ generales*, becauſe all their Tenants and Vaſſals were bound to appear there.

We alſo meet with *Placitum nominatum*, i. e. the Day appointed for a Criminal to appear, and to make his Defence. *Leg. H.* 1. *cap.* 29, 46, 50. *Placitum fractum, i. e.* when the Day is paſt. *Leg. H.* 1. *cap.* 59. My Lord *Coke* tells us, that the Word is derived from *Placendo, quia bene* placitare *ſuper omnia placet:* This ſeems to be a very fanciful Derivation of the Word; I rather think it derived from the German *Plats*, or from the Latin *Plateis, i. e.* Fields or Streets where theſe Aſſemblies or Courts were firſt held. But this Word *Placita* did ſometimes ſignify Penalties, Fines, Mulcts, or Emendations, according to

Gervaſe

Gervaſe of *Tilbury*, or the *Black Book* in the Exchequer, *Lib.* 2. *Tit.* 13. Placita *autem dicimus pœnas pecuniarias in quas incidunt Delinquentes.* So in the Laws of *Hen.* 1. *cap.* 12, 13. Hence the old Rule of Cuſtom, *Comes habet tertium denarium* Placitorum, is to be thus underſtood; the Earl of the County ſhall have the third Part of the Money due upon Mulcts, Fines, and Amerciaments, impoſed in the Aſſizes and County-Courts.

Placitare, i. e. *Litigare & cauſas agere*, To plead. *Mos* placitandi *ante Conqueſtum fuit coram Aldermanno & Proceribus, & coram Hundredariis, ſc. Baronibus, Majoribus, Melioribus, Senioribus, & Urbanis.* MS. in Bibl. Cotton. ſub Tit. Vitellius, cap. 9.

Placitator, A Pleader. *Ralph Flambard* is recorded to be *totius Regni* Placitator, in *William* the Second's Time.

Plaint, *Querela*, Is uſed for the propounding or exhibiting of any Action perſonal or real in Writing, and ſo it is uſed, *Bro. Tit.* Plaint *in Aſſiſe*; and the Party making this *Plaint*, is called *The Party Plaintiff.* Kitchin, fol. 231.

Planchia, A Plank of Wood. *Conceſſi præterea Materiem in boſco meo de Forma ad prædictum Molendinum reparandum extra* planciis. *Carta* Stephani Devereux *Mil.* 1. All Materials of Wood except *Planks.*

Planetæ, The ſame with *Caſula*; which ſee.

Plate, A Hoy, or Water Veſſel ſo called, *Anno* 13 *Eliz. cap.* 15.

Plauſtrata fœni, A Cart-Load of Hay.—*Conceſſi unam* Plauſtratam fœni *apud Malmeſbur. Reg. Priorat. de* Wormeſley, *fol.* 64.

Plea. *Placitum*, (from the Saxon *Pleo*, or *Pleoh*, *i. e. Juris actio*) Signifies that which either Party alledgeth for himſelf in Court, which was wont to be done in *French* from the Conqueſt until *Edward* the Third, who ordained them to be done in *Engliſh* in the Six and thirtieth Year of his Reign, *cap.* 15. Theſe are divided into *Pleas* of the Crown and Common Pleas. *Pleas* of the Crown of *Scotland* be Four, *viz.* Robbery, Rape, Murder, and wilful Fire. *Skene de verb. ſignif.* verbo *Placitum.* With us they be all Suits in the King's Name, againſt Offences committed againſt his Crown and Dignity. *Staundf. Pl. Cor. cap.* 1. or againſt his Crown and Peace. *Smith de Rep. Angl. lib.* 2. *cap.* 9. And thoſe ſeem to be Treaſons, Felonies Miſpriſions of either, and *Maihem. Co.* 4 *Inſt. cap.* 10. *Edward* the Firſt enfeoffed *Walter de Burgo* in the Land of *Ulſter* in *Ireland*, excepting the *Pleas* of the Crown, to wit, Rape, Horſtal, wilful Firing and Treaſure-trove. *Cambd. Tit. Ireland.* Common *Pleas* be thoſe that be held between common Perſons, yet by the former Definitions they muſt compriſe all other, though the King be a Party. *Plea* may farther be divided into as many Branches as Action; which ſee, for they ſignify all one. Then there is a Foreign *Plea*, whereby Matter is alledged in any Court, that may be tried in another. As if one ſhould lay Baſtardy to another in a Court-Baron. *Kitbin, f.* 75. The Word *Placitum* is uſed by the *Commentators* upon the *Feuds* in the ſame Signification that *Pleas* be with us, and *placitare* with them is *Litigare & Cauſas agere.* Hotom. in verbo *Feudal.* verbo *Placitare.*

Pleadings Are all the Sayings of the Parties to Suits after the Count or Declaration, to wit, whatever is contained in the Bar, Replication and Rejoinder, and not in the Count it ſelf; and therefore Defaults in the Matter of the Count are not compriſed within *Miſ-pleading*, or inſufficient *Pleading*, nor are remedied by the Statute of *Jeofailes*, 32 *H.* 8. but only the *Miſ-pleading* or inſufficient *Pleading* committed in the Bar, Replication and Rejoinder; but thoſe are now remedied alſo by 18 *Eliz. cap.* 13.

Pleas of the Sword, *Placita ad gladium: Ranulph* the third Earl of *Cheſter*, in the ſecond Year of *Henry* the Third, granted to his Barons of *Cheſhire* an ample Charter of Liberties, *Exceptis* placitis ad gladium *meum pertinentibus.* Rot. Pat. *in archivis Regis infra caſtellum Ceſtriæ*, 3 E. 4. m. 9. The Reaſon was, becauſe King *William the Conqueror* gave the Earldom of *Cheſter* to his Kinſman *Hugh*, commonly called *Lupus*, Anceſtor, to this Earl *Ranulph*, *Tenere ita libere per gladium, ſicut ipſe Rex* Willielmus *tenuit Angliam per Coronam.* And conſonant thereunto in all Indictments for Felony, Murder, &c. in that County-Palatine, the Form was anciently, *Contra pacem Domini Comitis*, Gladium & *dignitates ſuas*, or *Contra Dignitatem* Gladii *Ceſtriæ.* Theſe were the *Pleas* of the Dignity of the Earl of *Cheſter.* Sir *P. Leiceſter's Hiſt. Antiq. fol.* 164. See *Gladius.* Or *Placita Enſis, i. e. Alta juſtitia*, or Sovereign Authority and Juriſdiction.

Plebania, *Plebanalis Eccleſia*, A Mother-Church, which has one or more ſubordinate Chapels.—*Radulphus de Saltpia Epiſcopus Bathon. & Well. univit* Eccleſiam plebanalem *de Chyw menſæ ſuæ Epiſcopali.* Whartoni Angl. Sacr. P. 1. pag. 569.

Plebanus, A Rural Dean, becauſe the Deaneries were commonly affixed to the *Plebaniæ*, or chief Mother-Churches within ſuch a Diſtrict, at firſt commonly of Ten Pariſhes.—*John Peckham* Archbiſhop of *Cant.* ordained that the Church of *Terringes* and Chapel of *Paſchings* in the Dioceſe of *Chicheſter*, ſhould be two ſeveral Pariſh-Churches.—*Volumus igitur ut in Eccleſia de* Terryng *cum capellis ſuis de* Duryngton & Hyen *unus tantummodo præſideat Rector in poſterum, & curam habeat illarum animarum, quæ etiam Eccleſia ſuum habebit vicarium perpetuum reſidentem, qui* Plebani *ſive Decani fungens officio juriſdictionem ordinariam, quam eidem vicariæ & officio annectimus, perpetuo in clero & populo ipſius Eccleſiæ parochiæ cum dictis capellis, & etiam in parochia de* Paſchyng, *habeat & exerceat ſecundum canonicas Sanctiones.*—*Eccleſia de* Terryng *alium Rectorem ſuum curam animarum habentem optineat in futurum, qui etiam vicarium ſub ſe perpetuum habeat, qui teneatur ibidem perſonaliter & continue reſidere & ſubeſſe in mandatis canonicis* Plebano *ſive decano de* Terryng.—Dat. 4 Febr. 1287. Reg. Eccleſ. Chriſti Cantuar. MS. Yet I believe from this, and other Authorities, it might be inferred, that *Plebanus* was not the uſual Title for every Rural Dean, but only for ſuch a Pariſh-Prieſt in a large Mother-Church, exempt from the Juriſdiction of the Ordinary, who had therefore the Authority of a Rural Dean committed to him by the Archbiſhop, to whom the Church was immediately ſubject.

Pledge, *Plegius*, May be derived from the Fr. *Pleige*, *fidejuſſor*, as *Pleiger aucun*, *i. fide-jubere pro aliquo*; in the ſame Signification is *Plegius* uſed by *Glanvil, lib.* 10. *ca.* 5. and *Plegiatio* for the Act of Suretiſhip in the Interpreter of the *Grand Cuſtumary* of *Normandy*, *cap.* 60. Plegii *dicuntur perſonæ*,

quæ ſe obligant ad hoc, ad quod qui eos mittit, tenebatur; And in the ſame Book, *cap.* 89, 90. *Plegiatio* is uſed in the ſame Senſe with *Glanvile*, ſo *alvi plegii* be uſed for *plegii*, Pupil. oculi. part 5. cap. 22. *Charta de Foreſta.* This Word *plegius* is uſed alſo for *Frankpledge* ſometimes, as in the End of *William the Conqueror's Laws*, ſet out by *Lambard* in his *Archainom. fol.* 125. in theſe Words, *Omnis homo qui voluerit ſe teneri pro libero, ſit in* plegio, *ut* plegius *eum habeat ad juſtitiam, ſi quid offenderit, &c.* And theſe be called *Capital Pledges. Kitchin, fol.* 10. See *Frank-pledge*, and *Co.* 4 *Inſt. fol.* 180.

Pledgery or **Pleggery**, (French *Pleigerie*, Latin *Plegiagium*,) Suretiſhip, an Undertaking or Anſwering for. Alſo the Appellant ſhall require the Conſtable and Mareſchal to deliver his *Pleggs*, and to diſcharge them of their *Pleggery*; and the Conſtable and Mareſchal ſhall ask Leave of the King to acquit his *Pleggs*, after that the Appellant is come into the Liſts to do his Devoir. *Orig. Jur. ex vetuſto Codice MS. in Bibl. Seldeniana. Quod ſi contingat dictos fidejuſſores meos aliquod dampnum incurrere, occaſione* Plegiagii *mei.*——— Charta R. Hurteſley, ſine dat.

Plegius acquietandis Is a Writ that lies for a Surety, againſt him for whom he is Surety, if he pay not the Money at the Day. *F. N. B. fol.* 137. *Regiſt. of Writs, fol.* 158.

Pleſſeicium, A Park or Wood encloſed with Hedges: 'Tis mentioned in *Orderic. Vital. lib.* 5. *pag.* 583. *Tunc etiam dedit totam decimam de norum propriumque* pleſſeicium *& partem ſilvæ, &c.*

Plena ſoziſfactura & plena ſuita. See *Forfeiture.*

Plenarty Is an Abſtract of the Adjective *Plenus*, and is uſed in the Common Law in Matters of Benefices, where *Plenarty* and Vacation are direct Contraries. *Staundf. prærog. cap.* 8. *fol.* 32. *Weſtm.* 2. *cap.* 5. Inſtitution is a good *Plenarty* againſt a common Perſon, but not againſt the King without Induction. *Co. on Lit. fol.* 344.

Plevin, *Plevina*, From the Fr. *Pleuvine*, a Warrant or Aſſurance. See *Replevin.*

Plight Is an old *Engliſh* Word, ſignifying ſometimes the Eſtate with the Habit and Quality of the Land, and extends to Rent-charge, and to a Poſſibility of Dower. 1 *Inſt. fol.* 221. *b.*

Plita terræ, A *Plight*, a *Plightel*, a ſmall Portion or Spot of Ground.——— *Dicunt per ſacramentum ſuum quod tempore* Willielmi *de* Buttone *quondam Rectoris Eccleſiæ de Sowy tota decima de* plita *quæ vocatur Levide*——— *Mede cariata fuit apud Sowy.* Cartular. Abbat. Glaſton. MS. fol. 76. b.

Plite of Lawn, *Anno* 3 *E.* 4. *cap.* 5. Seems to be a Meaſure then in Uſe, as a Yard or an Ell now.

Plonkets, 1 *R.* 3. *cap.* 8. A Kind of coarſe woollen Cloth, otherwiſe called *Veriſe.*

Plow-Alms, *Eleemoſynæ aratrales.* Anciently every *Plow-Land* paid a Penny to the Church,—*De qualibet caruca juncta inter Paſcham & Pentecoſten, unum denarium, qui dicitur* Plow-Almes. *Mon. Angl.* 1 *par. fol.* 256.

Plow-Land, *Carucata terræ*, The ſame with a Hide of *Land*, which ſee.

Plurality, *Pluralitas*, 21 *Hen.* 8. *cap.* 13. The having more than one, chiefly applied to ſome Churchmen, who have Two, Three or more Benefices. *Selden* in his *Titles of Honour, fol.* 687. mentions *Trialities* and *Quadralities.*

Pluries Is a Writ that goeth out in the third Place, after Two former Writs have had no Effect; for firſt the original *Capias* iſſues, and if that ſpeed not, then goeth out the *ſicut Alias*, and if that alſo fail, then the *Pluries.* See *Nat. Brev. fol.* 33. in the Writ *De Exom. capiendo.* See in what Diverſity of Caſes it is uſed in the Table of the *Original Regiſter.*

Pluvial, A Garment which covered the whole Body, and defended it from the Rain; and for that Reaſon a Cap was ſo called, becauſe it defended *Caput a Pluvia.*

Pocket of Wool Is half a Sack. 3 *Inſt. fol.* 96. See *Pack of Wool.*

Podus, A Country-Houſe: 'Tis mentioned in *Mon. Angl.* 3 *Tom. pag.* 194. *Ablatis filiis ſeptem, patre funeſto vir magnæ pietatis nutrivit eos, & ad ſtudium literarum miſit quos in* podo *ſuo dimiſit.*

Pokes, Side-Gowns, or long ſleeved Gowns, which Faſhion grew ſo affected and extravagant, that the Wearing of them was prohibited by *Philip Repingdon* Biſhop of *Lincoln*, in his Injunctions *Anno* 1410.——— *Item quod dicti vicarii & Clerici quicunq; & præcipue cum fuerint reveſtiti, inhoneſtis togis ſuis cum longis manicis vulgariter* Pokes *nuncupatis non utantur.* Ex Collectan. Matt. Hutton. S. T. P. MS.

Pole. See *Perch.*

Poledavis, A Kind of coarſe Canvaſs uſed by the Saleſmen in making up their Ware. 1 *Jac. cap.* 24.

Poledrus, *i. e.* A Colt: *Sed & poledrum denario, vitulum obolo redimant.*

Poleine Was a Sort of Shoe, ſharp or picked, and turned up at the Toe; they firſt came in Faſhion in the Reign of *William Rufus*, and by Degrees came to be of that exceſſive Length, that in *Richard* the Second's Time they were tied up to the Knees with Gold or Silver Chains, according to the Dignity of the Wearer: They were forbidden by *Edward* the Fourth, in the Fifth Year of his Reign, under a great Penalty, to be worn ſo long: But were not utterly laid aſide till the Reign of *Henry* the Eighth. *Malmsbury*, in the Life of the fore-mentioned *William Rufus*, ſpeaking of the Exceſſes of thoſe Times, hath theſe Words, *Tunc fluxus crinium, tunc luxus veſtium, tunc uſus calceorum cum arcuatis aculeis inventus eſt.*

Polentarius, *i. e.* A Maltſter, *Polentarii qui braſium curant & faciunt.* Will. Thorn, pag. 2206.

Poleta, The Ball of the Foot: *Tres ortilli ſcindantur de pede anteriori ſine* Poleta. Matt. Paris Anno 1215.

Poletar for **Polenta.** Fleta, Lib. 2. cap. 14.

Poletria, *i. e.* A Stud of Colts: 'tis mentioned in *Fleta, Lib.* 2. *cap.* 87. *Item ejus eſt facere Butyrum, curamque de* Poletria *obtinere.*

Polhachetum, A Pole-Hatchet, a Pole-Ax.—*Walterus de Blancheney implacitatur eo quod Dominum ſuum in capite cum quodam* polhacheto *felonice percuſſit.* Placit. 12 Ed. 2.

Policy of Aſſurance, *Aſſecuratio*, Is a Courſe taken by thoſe who do adventure Wares or Merchandiſe to Sea, whereby they, unwilling to loſe the whole Adventure, do give unto ſome other a certain Rate or Proportion, as Ten in the Hundred, or ſuch like, to ſecure the ſafe Arrival of the Ship, and ſo much Wares at the Place

Place agreed upon; ſo that if the Ship and Wares do miſcarry, the Aſſurer maketh good to the Adventurer ſo much as he promiſed to ſecure; if the Ship arrive ſafely, he gaineth that clearly which the Merchant compoundeth to pay him. And for the more even dealing between the Merchant and the Aſſurer in this Caſe, there is a Clerk or Officer ordained to ſet down in Writing the Sum of their Agreement; and this is called *Pollicy*, to prevent any Difference that might after happen between them. This is mentioned 43 *Eliz. cap.* 12. and 14 *Car.* 2. *cap.* 23. And is now many Times uſued to inſure Mens Lives in Offices, who have paid great Sums of Money for the Purchaſe thereof, and are inſured from that Adventure by a certain Company of Merchants or Citizens, for Three or Four *per Cent.* ſubſcribing or under-writing the Agreement, *Pollicy* or *Inſurance*, who do among them ſhare the *Præmium* or Money given, and run the Hazard of it. Such *Aſſurances* or *Policies* are not ſeldom alſo uſed in other Matters, where Loſs or Damage is feared.

Pollard, A Sort of ſpurious Coin, which with *Crocards* were long ſince prohibited. *Mat. Weſtm. in Anno* 1299. *pag.* 413. *Pollards, Crocards, Staldings, Eagles, Leonines* and *Steepings*, were heretofore ſeveral Sorts of Money uſed in *England*, but long ſince diſuſed. 2 *Inſt. fol.* 577. We alſo call thoſe Trees *Pollards* or *Pollengers*, which have been uſually cropt, and therefore diſtinguiſhed from Timber-Trees. See *Plowden, fol.* 469. b. In *Walſingham* and *Knighton, Anno* 1301. *Prohibita eſt moneta alienigenarum ſurreptitio & illegitima, quam* Pollardos *& Cocodones atque Roſarios appellabant, qui paulatim & latenter loco irrepſerunt Sterlingorum, hanc monetam primo Rex Edvardus juſſerat valere obolum, deinde omnino exterminavit.*

Poller, Properly ſignifies the Thumb, but metaphorically it ſignifies an Inch, *Pollex in omni menſura debet menſurari ad radicem unguis, & debet ſtare ex longitudine trium granorum hordei boni ſine caudis.* Spelm.

Pollinctors, The Embalmers of dead Bodies, ſuch as prepare them for their Funeral and Interment. *Ulp. de Inſt. Act. l. quicunque. Si libitinarius inquit ſervum* pollinctorem *habuerit, iſque mortuum ſpoliaverit, dandam in eum quaſi actionem inſtitoriam.*

Poll-Money, *Capitatio*, Was a Tax ordained by Act of Parliament, 18 *Car.* 2. *cap.* 1. and 19 *Car.* 2. *cap.* 6. By the Firſt of which every Subject in this Kingdom was aſſeſſed by the Head or *Poll*, according to his Degree, *viz.* every Duke 100 *l.* every Marqueſs 80 *l. &c.* Baronets 30 *l.* Knights 20 *l.* Eſquires 10 *l. &c.* and every ſingle Perſon 12 *d. &c.* And that this is no new Tax, appears by former Acts of Parliament, where *Quilibet tam conjugatus, quam ſolutus utriuſque ſexus pro capite ſuo ſolvere cogebatur.* Parliam. Anno 1380. Walſingham Ypod. 534. There was anciently (ſays *Cambden* in his Notes upon Coins) a perſonal Tribute called *Capitatio* (*Poll-ſilver*) impoſed upon the *Poll* or Perſon of every one, of Women from the Twelfth, of Men from the Fourteenth Year of their Age.

Polygamus Is he that is married to Two, or more Wives together. 3 *Inſt. fol.* 18.

Pomellum, Properly a round Ball ſet on the Top of any Building, *a* pomi *ſimilitudine*, Fr. *Pommeau, Pommelle*, Angl. *Pommel* or *Pummel*. ——*Eccleſia S. Pauli London. continet in longitudine DCLXXXX pedes, in latitudine CXXX pedes* —— *altitudo fabricæ lapideæ campanilis ejuſdem Eccleſiæ continet a plana terra CCLX pedes, altitudo fabricæ lignea continet CCLX pedes, attamen in toto non excedit quingentos XX pedes. Item* pomellum *ejuſdem campanilis continet in ſua concavitate, ſi fuerit vacuum, X buſſellos bladi, cujus rotunditas diametri continet XXXVI uncias quæ faciunt tres pedes, &c.* Ex Chronico Eccleſ. Salisber. Cotton. Cleopatra. B. 4.

Pomeranium, *i. e.* An Orchard. *In Mon. Angl.* 2 *Tom* 129. *Concedo etiam eas duas partes decimarum totius fœni mei &* Pomeranci *& totius pannagii mei.*

Pondage. See *Poundage.*

Ponderare. It was a Cuſtom formerly to weigh ſick Children at the Tomb of a Saint, and to balance the Scales with Wheat Bread, or with any Thing which they were willing to offer either to God or his Saints, but always with ſome Money, and by this the Cure was performed. *Ad ſepulchrum Sancti nummo ſe ponderabat.*

Pondus, *Poundage*, Which Duty with that of *Tonnage*, was anciently paid to the King according to the Weight and Meaſure of Merchants Goods. —— *Rex majori & civibus Winton. & omnibus has literas inſpecturis ſalutem. Sciatis quod dedimus dilecto & fideli noſtro Britoni Baliſtario* pondus *civitatis noſtræ Winton. & portum borealem ejuſdem civitatis cum omnibus ad prædictum* pondus *& portum pertinentibus.* —— Pat. 1 H. 3. m. 10.

Pondus Regis, The Standard-Weight appointed by our ancient Kings —— *Anno* 35 *Edw.* 1. *Præceptum fuit Majori & Vicecom. Lond. Cum inter cæteros Articulos quos Rex per Cartam pro ſe & hæredibus ſuis conceſſit Mercatoribus extraneis & alienigenis, cum bonis & mercandiſis ſuis infra regnum & poteſtatem Regis venientibus, ordinaverit quod in qualibet villa mercatoria & feria infra idem regnum & poteſtatem Regis* Pondus Regis *in certo loco ponatur; & ante* ponderationem *ſtatera in præſentia emptoris & venditoris vacua videatur, & quod brachia ejuſdem ſtateræ ſint equalia, & extunc* ponderator ponderet *in equali, & cum ſtateram poſuerit in equali amoveat manus ſuas, ita quod remaneat in equali, per quod Dominus Rex pluries præcepit quod eiſdem Mercatoribus ordinationem Regis prædictam* —— *facerent in omnibus inviolabiliter obſervari.* —— *Ac ipſi Major & Vicecom. conceſſionem Regis prædictam reprobando Regi ſignificarunt quod modus ponderandi averia* ponderis *ad civitatem London. venientia a tempore quo non extat memoria talis extitit & adhuc exiſtit, quod ſtatera ſemper trahat meliorem, hoc eſt, verſus rem emptam, & eodem modo venduntur dicta averia Archiepiſcopis, Epiſcopis, Comitibus, Baronibus, &c. Dominus Rex eis adhuc præcepit firmiter injungens quod ordinationem Regis prædictam inviolabiliter obſervari facerent, &* Pondus Regis *in certo loco ponerent.* Ex libro Placitorum temp. Regum Ed. 1. & Ed. 2. MS. fol. 159. From this good Authority it ſeems eaſy to infer that what we call *Troy-Weight* was this *Pondus Regis* or *le Roy Weight*, with the Scales *in equilibrio*, as we now ſay *Gold-Weight*. Whereas the *Aver du pois* was the fuller Weight with a declining Scale, which had been the common Uſe within the City of *London.*

Pone Is a Writ, whereby a Cauſe depending in the County, or other inferior Court, is removed to the Common Bench. *Old Nat. Brev. fol.* 2. See *Table* of the *Reg. of Writs.*

Ponendis in Aſſiſis Is a Writ founded upon the Statute of *Weſtm.* 2. *cap.* 38. and upon the Statute of *Articuli ſuper Chartas*, *cap.* 9. which Statutes do ſhew what Perſons Sheriffs ought to impanel upon *Aſſiſes* and Juries, and what not; as alſo what Number, which ſee in *Reg. Orig. fol.* 178. *F. N. B. fol.* 165.

Ponendum in Ballium, Is a Writ, commanding a Priſoner to be bailed in Cauſes bailable. *Reg. Orig. fol.* 133.

Ponendum ſigillum ad exceptionem Is a Writ, whereby the King willeth the Juſtices, according to the Statute of *Weſtm.* 2. to put their Seals to Exceptions laid in by the Defendant againſt the Plaintiffs Declarations, or againſt the Evidence, Verdict, or other Proceedings before the Juſtices.

Pone per Vadium Is a Writ commanding the Sheriff to take Surety of one for his Appearance at a Day aſſigned. Of this ſee Five Sorts in the Table of the *Regiſter Judicial*, verbo *Pone per Vadium.*

Pontage (*Pontagium,*) Is a Contribution towards the Maintenance or Re-edifying of Bridges. *Weſtm.* 2. *cap.* 25. It may alſo ſignify *Toll* taken to this Purpoſe of thoſe that paſs over Bridges. *Anno* 1 *Hen.* 8. *cap.* 9. 22 *Hen.* 8. *cap.* 5. and 39 *Eliz. cap.* 24. *Per* Pontagium *clamat eſſe quiet. de operibus* pontium. Plac. in Itin. apud Ceſtriam 14 Hen. 7. This was accounted one of the Three publick Charges on the Nation, from which no Perſon of what Degree ſoever was exempted, *viz.* from the Charge of an Expedition to the Wars, from building of Caſtles, and from building and repairing Bridges: And this was called *Trinoda neceſſitas*; from which *Ingulphus* tells us, *nulli poſſunt laxari.* And Mr. *Selden*, in his *Notes* upon *Eadmerus*, writes, that *ne quidem Epiſcopi, Abbates & monachi immunes erant.* And *Mat. Paris*, *Anno* 1244, tells us, that in all the Grants of Privileges to Monaſteries, theſe three Things were always excepted, *propter publicam regni utilitatem*, that the People might the better reſiſt the Enemy.

Pontes, *Colebrook* in *Buckinghamſhire.*

Pontibus reparandis, Is a Writ directed to the Sheriff, *&c.* willing him to charge one, or more, to repair a Bridge, to whom it belongeth. *Reg. Orig. fol.* 153.

Ponticus. See *Porticus.*

Porca, A Ridge of Land. See *Ridge of Land.*

Porcary, (*Porcaria*, according to *Fleta*,) A Swine's Sty: But *Porcheria* elſewhere occurs. ——*Ex dono Simonis de Cocton quandam placeam in boſco de Cocton ad quandam* Porcheriam *faciendam*, *&c.* Mon. Angl. 1 par. fol. 473. b. & fol. 363.

Porpriſum. See *Purpriſum.*

Porter in the Circuit of Juſtices Is an Officer that carries a white Rod before the Juſtices *in Eyre*, ſo called a *Portando virgam*, Anno 13 Edw. 1. cap. 41. See *Vergers.* There is alſo a *Porter* bearing a *Verge* before the Juſtices of either Bench.

Porter of the Door in the Parliament Houſe, Is an Officer belonging to that High and Honourable Court, and enjoys the Privileges accordingly. *Cromp. Juriſd. fol.* 11.

Portgreve, *Portgrevius*, In Saxon *Portſerefe*, that is, *urbis vel portus præfectus*; Signifies with us a Magiſtrate in certain Sea-Coaſt Towns; and as *Cambden* in his *Brit. pa.* 325. ſaith, the chief Magiſtrate of *London* was ſo called, as appears by a Charter of King *William the Conqueror* to the ſame City in theſe Words.

Charta Willielmi Conqueſtoris Civitat. London.

William King, Greete William Biſhop and Godfry Portgreve, and all the Burgeis within London, French and Engliſh: And I grant you, That I will that you be all your Law-worth that ye were in Edwardis Days the King: And I will that each Child be his Faders Eyer, and I will ſuffer, that any Man you any Wrongys beed. And God you keep. Ex libro pervetuſto.

In whoſe Stead *Richard* the Firſt ordained Two Bailiffs, but preſently after him King *John* granted them a Mayor for their yearly Magiſtrate. And the ſame *Cambden* ſpeaking of *Maidſtone* in *Kent*, ſays, *Immunitates plurimas Reginæ Elizabethæ fert acceptas, quæ majorem ſummum Magiſtratum inſtituit pro* Portgrevio *quem primum habuit, &c.*

Portiforium, The Eccleſiaſtical Enſign or Banner provided of old in all Cathedral, and moſt Parochial Churches, to be ſolemnly carried in the Front of any Proceſſion, *&c.*—— Magnum Portiforium *ex parte Decani vocatum Standard propter vetuſtatem fuit nimis defectivum.* ——Articuli in viſitat. Eccl. Ebor. Anno 1392.

Porticulus, A little Porch or Arch built over the Tombs of dead Men. *Leg. H.* 1. *cap.* 83. *Si quis corpus in terra vel noſſo vel petra ſub piramide vel ſtructura qualibet p ſitum ſceleratus infamationibus effodere vel ſpoliare præſumpſerit, &c.* In ſome Authors 'tis called *Ponticus*, becauſe arched in the Shape of a Bridge.

Portion, (*Portio,*) Is that Allowance or Proportion which a Vicar commonly has out of a *Rectory* or Impropriation, be it certain or uncertain. *Stat.* 27 *H.* 8. *cap.* 28.

Portionar, (*Portionarius,*) ——*Pateat univerſis quod ego Johannes Botelere*, Porconarius ſecundæ portionis *Eccleſiæ de Bromyard, dedi*—— dat. 17 R. 2. Where a Parſonage is ſerved by Two, or ſometimes Three Miniſters alternately, as *Bromyard ſupra Burford*, in *Shropſhire*, *&c.* the Miniſters are called *Portioners*, becauſe they have but their *Portion* or Proportion of the Tithes or Profits of the Living.

Portmen. *Anno* 13 *Eliz. cap.* 24. The Twelve Burgeſſes of *Ipſwich* are ſo called. So alſo are the Inhabitants of the *Cinque Ports*, according to *Cambden.*

Portmote Is a Compound of *Porte*, *portus*, and *Gemot*, *conventus*, and ſignifies a Court kept in Haven-Towns, as *Swainmote* in the Foreſt. It is called the *Portmote Court*, 43 *Eliz. cap.* 15. *Curia* portmotorium *eſt curia in civitate Ceſtriæ coram majore in aula Motorum tenenda.* Pl. in Itin. ibid. 14 H. 7.

Portmannimote, The *Portmote*, or *Portmens Court*, held not only in a Port or Haven Town, as the Word *Portmote* is ignorantly rendered, but in any City, Town, or Community. ——*Sampſon Dei gratia Alb. S. Edmundi, &c. facta eſt compoſitio inter nos & Burgenſes de villa S. Edmundi*—— *ad* Portmannimot *ante Feſtum S. Petri*

ad

ad vinula——— Ex Cartular S. Edmundi. MS. *Et* Portimotus *teneatur in eodem Burgo de Knots* (Com. Ceſtriæ)——*Charta Willielmi Dom. de T. Burgenſibus de Knotsford.*

Portoos. See *Portuas.*

Portſale, *Anno* 35 *H.* 8. *cap.* 7. Is the Sale of Fiſh, as ſoon as it is brought into the Haven.

Portſmouth. See *Magnus Portus.*

Portſokne, The Soke or Liberties of any Port, *i. e.* City, or Town. King *Henry* 3. by Charter dated 16 *Mart. Anno Regni* 11. grants to the Citizens of *London,*——— *Quietantiam murdri infra urbem & in* Portſokne, *i. e.* within the Walls of the City, and the Liberties without the Walls. *Placit. temp. Edw.* 1. & 2. *MS. fol.* 143. *penes Dom. Fountaine.*

Portſoka, The Suburbs of a City, or any Place within its Juriſdiction; from the Saxon *Port,* which is *Civitas,* and *Soca, Juriſdictio. Conceſſi quod nullus de Civitate vel* Portſoka *ſua captus, &c.* Somner's Gavelkind, pag. 135.

Portuas, (*Anno* 3 & 4 *Ed.* 6. *cap.* 10.) Is reckoned amongſt Books prohibited by that Statute, perhaps it may be the ſame which *Chaucer* calls a *Porthole,* and which is elſewhere written *Porteos & Portoos.* It is the Book we now call a *Breviary,* for thus *Chaucer:*

For on my Porthoſe *I make an Oath.*

See Sir *Lewis Clifford's Will,* verbo *Will:* And ſee *Skene,* verbo *Porteous.*

Poſſe Is an infinitive Mood, but uſed ſubſtantively to ſignify a Poſſibility, as we ſay, ſuch a Thing is *in poſſe,* that is, ſuch a Thing may poſſibly be; but of a Thing in Being, we ſay it is *in Eſſe.*

Poſſe Comitatus. See *Power of the County.*

Poſſeſſion, *Poſſeſſio,* Is two-fold, actual and in Law: Actual *Poſſeſſion* is, when a Man actually enters into Lands and Tenements to him deſcended. *Poſſeſſion* in Law is, when Lands or Tenements are deſcended to a Man, and he hath not as yet actually entred into them. *Staundf. Pl. Cor. fol.* 198. As for Example, Before or until an Office be found of Lands eſcheated by an Attainder, the King hath only a *Poſſeſſion* in Law, and not in Deed. *Staundf. Prærog. fol.* 54, 55. There is alſo a Unity of *Poſſeſſion,* which the *Civiliani* call *Conſolidationem.* See an Example of this in *Kitchin, fol.* 124. If the Lord purchaſe the Tenancy held by Heriot-ſervice, then the Heriot is extinct by Unity of *Poſſeſſion,* that is, becauſe the Seigniory and the Tenancy be now in one Man's *Poſſeſſion.* Many other Diviſions of *Poſſeſſions* you may read in *Bracton, lib.* 2. *cap.* 17. *per totum.*

Poſſibilitas Is taken for an Act wilfully done, and *impoſſibilitas* for a Thing done againſt our Will. *Si autem oculos aſnaſſet reddat weram ejus, &* poſſibilitatis *accuſetur in eo facto,* where *factum* poſſibilitatis is a wilful Act. *Leg. Alfred. cap.* 38. So in the Laws of *Canutus, cap.* 66. *Et ſi quis agat* impoſſibiliter, *non eſt omnino ſimile ſi voluntarie faciat.* Leg. Sax. Ed. Senior. cap. 88.

Poſt. See *Per.*

Poſta, In French *Poſte,* a ſwift or ſpeedy Meſſenger, *Sic dictus* (ſaith *Spelman*) *quaſi poſita, quod in via publica ponitur ad ſtationem debitam decurrendum.*

Poſt Conqueſtum Was firſt inſerted in the King's Title by *Edward* the Firſt, but not conſtantly uſed till *Edward* the Third's Time. *Clauſ.* 1. *Edw.* 3. *in Dorſo. M.* 33.

Poſt Diem Is a Fee by Way of Penalty upon a Sheriff for his Neglect in returning a Writ after the Day aſſigned for its Return; for which the *Cuſtos Brevium* hath Four Pence, whereas he hath nothing, if it be returned at the Day: Sometimes taken for the Fee itſelf.

Poſt Diſſeiſin, *Poſt Diſſeiſina,* Is a Writ given by the Stat. of *Weſtm.* 2. *cap.* 26. and lies for him that having recovered Lands or Tenements by *Præcipe quod reddat,* upon Default or Reddition, is again diſſeiſed by the former Diſſeiſor. *F. N. B. fol.* 190. See the Writ that lies for this in the *Regiſter, fol.* 208.

Poſtea Is the Return of the Proceedings by *Niſi prius* into the Court of Common Pleas after a Verdict, and there afterwards recorded. See *Plowden, fol.* 211. *Saunder's* Caſe. See alſo an Example of it in *Coke's Reports, vol.* 6. *fol.* 41, 42. See *Cuſtos brevium.*

Poſtena, for **Poſtilena**; *i. e.* A Crupper of a Saddle.

Poſteriority, *Poſterioritas,* The Coming after or being behind, is a Word of Compariſon, and Relation in Tenure, the Correlative whereof is Priority; for a Man holding Lands or Tenements of Two Lords, holdeth of his ancienter Lord by Priority, and of his later Lord by *Poſteriority. Staundf. Prærog. fol.* 10, 11. When one Tenant holdeth of Two Lords, of the one by Priority, of the other by *Poſteriority, &c. Old Nat. Brev. fol.* 94. *Co.* 2 *Inſt. fol.* 392

Poſtern, Or Back-door: 'Tis mentioned in *Fleta, lib.* 2. *cap.* 73. *par.* 2. *Poteſtas habere* Poſternas *in omni curia penitus inhibeatur; ſed unicus ſit ingreſſus, &c.*

Poſt-fine Is a Duty belonging to the King, for a *Fine* formerly acknowledged before him in his Court, which is paid by the Cogniſee, after the ſame is fully paſſed, and all Things performed touching the ſame; the Rate thereof is ſo much, and half ſo much as was paid to the King for the *Fine,* and is collected by the Sheriff of the County, where the Land, *&c.* lies, whereof the *Fine* was levied; to be anſwered by him into the Exchequer. 22 & 23 *Car.* 2. An Act for better Recovery of *Fines* and *Forfeitures,* &c.

Poſtillæ and **Poſtillare,** Marginal Notes, or to make Annotations on a Book. *Trivet* in his *Chronicle,* ſpeaking of *Stephen Langton,* Archbiſhop of *Canterbury,* tells us, that *ſuper Bibliam poſtillas fecit, & eam per capitula quibus nunc utuntur moderni diſtinxit;* and that *Alexander,* Biſhop of *Cheſter, ſuper pſalterium* Poſtillas *ſcripſit;* and *Knighton,* another of our Hiſtorians, writing of one *Hugh,* a *Dominican* and Cardinal, tells us, that *Totam Bibliam* poſtillavit.

Poſtnati. In the Seventh Year of King *James,* after many Arguments and long Debates, it was by all the Judges reſolved, that ſuch as were born in *Scotland* after the Deſcent of the Crown of *England* to King *James,* were no Aliens in *England:* But the *Antenati,* that is, ſuch as were born before that Deſcent, were Aliens in Regard of the Time of their Birth. *Co.* 7 *Reports, Calvin's* Caſe.

Poſtnatus Is a Word often mentioned in *Bracton, Glanvile, Fleta,* and other Law-writers, and it ſignifies the ſecond Son. So in *Brompton, Lib.* 2. *cap.* 35. *Eſt conſuetudo in quibuſdam partibus quod* poſtnatus *præfertur primogenito.*

Post-Poned, (*Post-Pone*) Set or put after another. 22 & 23 *Car.* 2. *Subsidy Act.*

Post-term, *Post terminum*, Is a Return of a Writ, not only after the Day assigned for the Return thereof, but after the *Term* also, for which the *Custos brevium* takes the Fee of Twenty-pence: Sometimes also it is taken for the Fee it self.

Postulatio, A *Postulation* made upon the unanimous Voting any Person to a Dignity or Office, of which he is not capable by the ordinary Canons or Statutes, without special Dispensation. So a Chapter *postulated* a Bishop actually possessed of another See. And the Religious *postulated* a Prelate to be taken from another Convent, from which he could not pass by the ordinary Rules of the Society. By the old Customs, an Election could be made by a Majority of Votes, but a *Postulation* must have been *Nemine contradicente.*

Pot, A Head-piece for War. 13 *Car.* 2. *cap.* 6.

Pot-Ashes, Are made of the best Ashes. *Anno* 12 *Car.* 2. *cap.* 4. and are used in making of Soap; some are made in *England*, but the Best are brought from beyond Sea.

Potionatus, Poisoned, *Vita MS. Vulfigi* 3. *Abbatis S. Albani.*—— *Pestea in brevi migravit ab incolatu hujus mundi, ut dicitur* potionatus, *cum odio conventus & maledictione.*

Pound, *Parcus*, Signifies a Place of Strength to keep Cattel in that are distrained, and put there for any Trespass done, until they be replevied or redeemed; and this is called a *Pound* Overt, or open *Pound*, and because it is built upon the Lord's Waste, the Lord's *Pound.* See *Kitchin, fol.* 144. It is divided into open and close: An open or overt *Pound*, is not only the Lord's *Pound*, but a Back-side, Court-Yard, Pasture-Ground, or whatever Place else, whither the Owner of the Beasts impounded may come to give them Meat and Drink, without Offence, for their being there, or his coming hither. A close *Pound* is contrary, whither the Owner cannot come for the Purposes aforesaid, without Offence; as some House, Castle, Fortress, or such like Place.

Poundage Is a Subsidy to the Value of Twelve-pence in the *Pound*, granted to the King, of all Manner of Merchandise of every Merchant, as well Denizen as Alien, either exported or imported; and of such Subsidies see the Statutes 1 & 2 *Edw.* 6. *cap.* 13. and 1 *Jac. cap.* 33. 12 *Car.* 2. *cap.* 4. and 14 *Car.* 2. *cap.* 24.

Poundagium, The Liberty of pounding Cattel.—— *In amerciamentis transgressionum, separationibus fossatorum, &* poundagiis *animalium, possessionem continuavit.* Hist. Croyland. contin. pag. 519.

Pound-breach. See *Poundbrech.*

Pound in Money: From the Saxon *Pund, i. e. Pondus:* It consisted in those Days of 240 Pence, as it doth now, but a Penny then was equal in Weight to almost Five Pence now, and afterwards to Three Pence; and 240 of those Pence weighed a *Pound*, but 720 scarce weigh so much now; this appears by the Silver Penny coined in the Reign of King *Ethelred. Lambard*, 219.

Pourallee. See *Purlieu.*

Pour fair proclamer, que null infect fimes ou ordures en fosses, ou rivers nies Cityes, &c. Is a Writ directed to the Mayor, Sheriff or Bailiff, of a City or Town, commanding them to proclaim, that none cast Filth into the Ditches or Places near adjoining, and if any is cast already, to remove it. This is founded upon the Statute, 12 *R.* 2. 13. *F. N. B. fol.* 176.

Pourparty, *Propars, Propartis, Propartia*, Is contrary to *pro indiviso:* For to make *Pourparty*, is to divide and sever the Lands that fall to Parceners, which before Partition they hold jointly, and *pro indiviso. Old Nat. Brev. fol.* 11.

Pourpresture, *Pourprestura*, From the French *Pourpris, conseptum*, an Inclosure: It is thus defined by *Glanvile, lib.* 9. *cap.* 11. Pourprestura *est proprie quando aliquid super Dominum Regem injuste occupatur; ut in Dominicis Regis, vel in viis publicis obstructis, vel in aquis publicis transversis a recto cursu, vel quando aliquis in civitate super Regiam plateam aliquid ædificando occupaverit, & generaliter quoties aliquid fit ad nocumentum Regii tenementi vel Regiæ viæ vel civitatis. Crompton* in his *Jurisd. fol.* 152. defines it thus, *Pourpresture* is properly when a Man taketh unto himself, or incroacheth any Thing that he ought not, whether it be in any Jurisdiction, Land or Franchise; and generally when any Thing is done to the Nusance of the King's Tenants. See *Kitchin, fol.* 10. and *Manwood's Forest Laws, cap.* 10. *Skene de verbor. signif.* verbo *Purpresture*, makes three Sorts of this Offence, one against the King, a second against the Lord of the Fee, the Third against a Neighbour by a Neighbour. See *Co.* 2 *Inst. fol.* 38 & 272. *Et Lib. nigr. in Scacc. fol.* 37 & 38. That against the King happens by the Negligence of the Sheriff or Deputy, or by the long Continuance of Wars, inasmuch as those who have Lands near the Crown-lands, take or encloſe Part of it, and lay it to their own.

Pourpresture against the Lord is when the Tenant neglects to perform what he is bound to do for the chief Lord, or in any wise deprives him of his Right.

Pourpresture against a Neighbour is of the same Nature: 'Tis mentioned in the *Monast.* 1 *Tom. pag.* 843. and in *Thorn, pag.* 2623. *Et de* purprestura *quam Bercarius Abbas purprehendit super predictum Heliam.*

Pour seisir terres la feme que tient en Dower, &c. Was a Writ whereby the King seised upon the Land which the Wife of his Tenant that held *in capite*, deceased, had for her Dowry, if she married without his Leave; and was grounded upon the Statute of the King's Prerogative. *Cap.* 3. See *F. N. B. fol.* 174.

Pursuivant, From the French *Poursuivre, i. persequi*, signifies the King's Messenger attending upon him in his Wars, or at the Council-Table, Exchequer, in his Court, or his Chamber, to be sent upon any Occasion or Message; as for the Apprehending of a Person accused, or suspected of any Offence: Those that be used in martial Causes are called *Pursuivants at Arms*, 24 H. 8. 13. whereof there be Four of special Names, which see in the Word *Herald.* And *Stow* speaking of *Richard* the Third s Death, *pag.* 784. hath these Words, *His Body was naked to the Skin, not so much as one Clout about him, and was trussed behind a* Pursuivant *at Arms like a Hog, or a Calf*, &c. The Rest are used upon other Messages in Time of Peace, and especially in Matters touching Jurisdiction. See *Herald. Nicholas Upton*, in his Book *De militari officio, viz. Lib.* 1. *cap.* 11. mentions the antient Form of making these *Pursuivants*, and tells us, that they were called *Milites linguares*, because

becauſe their chief Honour was *in Cuſtodia linguæ*, and he divides them into *Curſores equitantes*, and *Proſecutores*, which is likewiſe comprehended in theſe Verſes.

Cinctorio ſcutum dicas deferre pedinum,
Sic equitis dignum fert ſcapula dextera ſignum.
Sed humero lævo detulit proſecutor ab ævo,
Ac Heraldorum ſtat pectore fons titulorum.

Pourveyance Is the providing Corn, Fuel, Victual, and other Neceſſaries for the King's Houſe. By 12 *Car.* 2. *cap.* 24. it is provided, *That no Perſon or Perſons, by any Warrant, Commiſſion or Authority, under the Great Seal, or otherwiſe, by Colour of buying or making Proviſion or* Purveyance *for his Majeſty, or any Queen of* England *for the Time being, or that ſhall be, or for his, their, or any of their Houſhold, ſhall take any Timber, Fuel, Cattel, Corn, Grain, Malt, Hay, Straw, Victual, Cart, Carriage, or other Thing whatſoever of any the Subjects of his Majeſty, his Heirs or Succeſſors, without the full and free Conſent of the Owner or Owners thereof, had or obtained without Menace or Enforcement*, &c. See the Antiquity of Pre-emption and *Purveyance*, &c. and 3 *Inſt. fol.* 82.

Pourveyor, *Proviſor*, Derived from the French *Purvoir*, *i. providere*, ſignifies an Officer of the King or Queen, or other great Perſonage, that provideth Corn and other Victual for their Houſe. See *Mag. Charta, cap.* 22. and 3 *Ed.* 1. *cap.* 7 & 31. & *anno* 28. *ejuſdem, Articuli ſuper Chartas*, 2. and other Statutes. The Name of *Purveyor* was ſo odious in Times paſt, that by *Statute* 36 *Edw.* 3. 2. the heinous Name of *Purveyor* was changed into *Buyer*; but the Office is reſtrained by *Stat.* 12. *Car.* 2. *c.* 24. See *Pourveyance* and *Achat.*

Powchia, A Pouch, a Poke, a Sheath, a Scabbard.—— *Etiam ex tranſverſo ventris ſub umbilico habentes cultellos, quos daggerios vulgariter vocant, in* Powchiis *deſuper impoſitis.* Will. Thorn ſub anno 1248.

Power of the County, *Poſſe Comitatus*, In the Opinion of *Lambard* in his *Eirenarcha, lib.* 3. *cap.* 1. *fol.* 309. containeth the Aid and Attendance of all Knights, Gentlemen, Yeomen, Labourers, Servants, Apprentices, and all others, above the Age of Fifteen Years within the County, becauſe all of that Age are bound to have Harneſs by the Statute of *Winchester:* But Women, Eccleſiaſtical Perſons, and ſuch as are decrepit, or labour of any Infirmity, ſhall not be compelled to attend. And the Statute of 2 *H.* 5. *cap.* 8. ſays, *that Perſons able to travel, ſhall be aſſiſtant in this Service*, which is uſed where a Poſſeſſion is kept upon a Forcible Entry, or any Force, or Reſcue uſed, contrary to the Command of the King's Writ, or in Oppoſition to the Execution of Juſtice.

Powledavis. See *Poledavis*, 1 *Jac.* 24.

Poynings Law Is an Act of Parliament made in *Ireland* by *Hen.* 7. and ſo called, becauſe Sir *Edward Poynings* was Lieutenant there when it was made, whereby all the Statutes in *England* were made of Force in *Ireland*, which before that Time were not, neither are any now in Force there which were made in *England* ſince that Time. See *Coke's* 12 *Rep. fol.* 190. *Hill.* 10 *Jac.*

Præceptoria. See *Commandry.*

Præceptories (*Præceptoriæ, Anno* 32 *Hen.* 8. *cap.* 24.) Were Benefices in a Kind, and ſo termed, becauſe they were poſſeſſed by the more eminent Sort of the *Templers*, whom the chief Maſter by his Authority created and called *Præceptores Templi. Stephens de Juriſd. lib.* 4. *cap.* 10. *num.* 27. Others ſay, they were here in *England* as Cells only, ſubordinate to their principal Manſion, the *Temple* in *London.* Of theſe *Præceptories*, I find Sixteen recorded, as anciently belonging to the *Templers* in *England*, viz. *Creſſing-Temple, Balſhal, Shengay, Newland, Yeveley, Witham, Temple-bruere, Willington, Rotheley, Ovenington, Temple-Combe, Trebigh, Ribſtane, Mount S. John, Temple-Newſum*, and *Temple-hurſt.* Mon. Angl. 2 par. fol. 543. But there were more.

Præcipe in Capite, (*Magna Charta, cap.* 24.) Was a Writ iſſuing out of the Court of Chancery, for a Tenant holding of the King in Chief, as of his Crown, and not of the King, as of any Honour, Caſtle or Manor. *Regiſt. of Writ, fol.* 4. *b.*

Præcipe quod reddat Is a Writ of great Diverſity, both in its Form and Uſe, for which ſee *Ingreſſus* and *Entry.* This Form is extended as well to a Writ of Right, as to other Writs of Entry or Poſſeſſion. *Old Nat. Brev. fol.* 13. And *Fitz. Nat. Brev. fol.* 5. And it is ſometimes called *A Writ of Right Cloſe*, when it iſſues out of the Court of *Chancery Cloſe*; ſometimes *A Writ of Right Patent*, as when it iſſues out of the *Chancery Patent* and open, to any Lord's Court, for any of his Tenants deforced againſt the Deforcer, and muſt be determined there. Of which read more at large in *Fitz. Nat. Brev. cap.* 1.

Præcipitaria, *i. e.* A battering Ram: 'Tis mentioned in *Mat. Paris, pag.* 396. *viz. Muros & caſtra Civitatis margonellis, petrariis & Præcipitariis undique erectis, &c.*

Præcipitium Was a Puniſhment by caſting a Man from ſome high Place or Rock. *Malmſ. lib.* 5 *pag.* 155.

Præfectus Villæ Is the ſame as *Præpoſitus Villæ. i. e.* the Mayor of a Town. *In Leg. Edw. Confeſſor. cap.* 28.

Præfine (22 & 23 *Car.* 2. *Stat.* for laying Impoſitions on Proceedings at Law,) Is that *Fine* which is paid upon ſuing out the Writ of Covenant. *Vide* 2 *Inſt.* See *Poſtfine.*

Prælocutor, In *Matt. Paris, pag.* 592. the Attorney General is called *Prolocutor Domini Regis.*

Præmunire Is taken either for a Writ ſo called, or for the Offence whereupon the Writ is granted; the one may be underſtood by the other. Heretofore the Church of *Rome*, under Pretence of her Supremacy, and the Dignity of St. *Peter's* Chair, took upon her to beſtow moſt of the Biſhopricks, Abbathies, and other Eccleſiaſtical Livings of Worth here in *England*, by Mandates, before they were void; pretending therein a great Care to ſee the Church provided of a Succeſſor before it needed. Whence it aroſe, that theſe *Mandates* or *Bulls* were called *Gratiæ Expectativæ*, or *Proviſiones*, whereof you may read a learned Diſcourſe in *Duarenus, de Beneficiis, lib.* 3. *cap.* 1. Theſe *Proviſions* were ſo riſe with us, that at laſt, King *Edward* the Third not digeſting ſo intolerable an Encroachment, made a Statute in the Twenty-fifth Year of his Reign, *Stat.* 5. *cap.* 22. and another *Stat.* 6. *cap.* 1. and a Third, *Anno* 27. againſt thoſe that drew the

King's People out of the Realm, to anſwer Things belonging to the King's Court; and another *Anno* 28 *Stat.* 2. *cap.* 1, 2, 3 & 4. whereby he greatly reſtrained this Liberty of the Pope; who notwithſtanding ſtill adventured to continue the *Proviſions*; inſomuch as King *Richard* the Second likewiſe made ſeveral Statutes againſt them, but moſt expreſly that of 16 *R.* 2. 5. which appoints their Puniſhment to be thus, *That they ſhould be out of the King's Protection, attached by their Bodies, and loſe their Lands, Tenements, Goods and Chattels.* After him King *Henry* the Fourth in like Manner aggrieved at other Abuſes, not fully met with in the former Statutes, in the Second Year of his Reign, *cap.* 3 & 4. adds certain new Caſes, and lays upon the Offenders in them the ſame Puniſhment; whereto I refer you; as likewiſe to *Anno* 9. *ejuſdem cap.* 8. and 3 *Hen.* 5. *cap.* 4. and *Smith De Republ. Angl. lib.* 3. *cap.* 9. Some later Statutes do caſt this Puniſhment upon other Offenders, as namely that of 1 *Eliz. cap.* 1. upon him that denies the King's Supremacy the ſecond time; and 13 *Eliz. cap.* 2. upon him that affirms the Authority of the Pope, or refuſeth to take the Oath of Supremacy: And 13 *Eliz. cap.* 1. upon ſuch as are ſeditious Talkers of the Inheritance of the Crown, or affirm the Queen to be an Heretick. And the Stat. 13 *Car.* 2. *cap* 1. upon ſuch as affirm the Parliament begun at *Weſtminſter* 3 *Nov.* 1640. is not yet diſſolved, or that there is any Obligation by any Oath, Covenant or Engagement whatſoever, to endeavour a Change of Government, either in Church, or State; or that both, or either Houſe of Parliament have, or hath a legiſlative Power without the King. And the Word is applied moſt commonly to the Puniſhment firſt ordained by the Statutes beforementioned, for ſuch as tranſgreſſed them: For where it is ſaid that any Man for an Offence committed, ſhall incur a *Præmunire*, it is meant, that he ſhall incur the ſame Puniſhment as is afflicted on thoſe that tranſgreſs the Statute 16 *Ri.* 2. *cap.* 5. commonly called the Statute of *Præmunire*, which Kind of Reference or Application is not unuſual in our Statutes. As to the Etymology of the Word, it proceeds from the Verb *Præmonere*, being barbarouſly turned into *Præmunire*, To forewarn, or bid the Offender take heed. Of which a Reaſon may be gathered from the Words of the Statute, 27 *Edw.* 3. *cap.* 1. and the Form of the Writ, in *Old Nat. Br. fol.* 143. *Præmunire facias præfatum præpoſitum, & J. R. procuratorem, &c. quod tunc ſint coram nobis, &c.* Which Words can be referred to none but Parties charged with the Offence. See 3 *Inſt. fol.* 110.

Præpoſitus Eccleſiæ. See *Church-reeve.*

Præpoſitus Villæ Is uſed ſometimes for the Conſtable of a Town, or Petit-Conſtable. *Cromp. Juriſd. fol.* 205. Howbeit the ſame Author, *fol.* 194. ſeems to apply it otherwiſe; for there *Quatuor homines præpoſiti* are thoſe Four Men, that for every Town muſt appear before the Juſtices of the Foreſt in their Circuit. It is ſometimes uſed for an Head, or Chief Officer of the King in a Town, Manor, or Village, or a *Reeve.* See *Reeve. Animalia & res inventæ coram ipſo (Præpoſito) & Sacerdote ducendæ erant.* LL. Edw. Conf. cap. 28. This *Præpoſitus Villæ* in our old Records does not anſwer to our preſent Conſtable, or Headborough of a Town; but was no more than the Reeve, or Bailiff of the Lord of the Manor, ſometimes called *Serviens villæ.* By the Laws of *Hen.* 1. the Lord anſwer'd for the Town where he was reſident; where he was not, his Dapifer or Seneſchal, if he were a Baron: But if neither of them could be preſent, then *Præpoſitus & quatuor de unaquaque villa, i. e.* The Reeve, and Four of the moſt ſubſtantial Inhabitants were ſummoned in. See Dr. *Brady's Gloſſary to Introduct. to Engl. Hiſt. p.* 97.

Præripium, *i. e.* A high Bank. *Si quis alium fugiens* præripio *vel alio morietur.* Leg. H. 1. c. 88. Some read it *Præcipitio, vel Præcipio.*

Præſentare ad Eccleſiam Originally denotes the Patron's ſending or placing an Incumbent in the Church, and is made only for *repræſentare*, which in the Council of *Lateran*, and elſewhere, occurs alſo for *præſentare. Selden of Tithes, p.* 390.

Præſidere Signifies to neglect, or omit: *In Conc. Cloveſhoe, Anno* 746. *cap.* 3. *Ut ſingulis annis unuſquiſque Epiſcopus Parochiam ſuam pertranſeundo, &c. ſpeculandoque viſitare non* præſideat, *&c.*

Præſidium, *Warwick.*

Præſumptio, *In Leg. H.* 1. *cap.* 11. is taken for an unlawful Seizing any Thing, *viz. Aſſultus, roberia, ſterbrech,* præſumptio *terræ vel pecuniæ Regis, theſaurus inventus, &c.*

Prætorium, *Patrinton* in *Yorkſhire.*

Pratum falcabile, A Meadow, or Ground fit for Mowing: *Juratores dicunt quod prædicta placea a tempore quo, &c. fuit* pratum falcabile *uſque ad prædictum annum quod* W. *prædictus illud aravit.* Trin. 18 Ed. 1. *in Banco Rot.* 50.

Prata terræ, A certain Quantity or Meaſure of Ground.——*Sunt quinquaginta acræ terræ in Cornub. in Camwaret, qualibet acra de xx* pratis *in longitudine, & iv* pratis *in latitudine, & qualibet* prata *de xvi pedibus in longitudine, quæ acræ jacent, &c.* Fines Anno 8 Ric. 1.

Play in Yd. See *Aid.*

Preamble, *Proœmium,* Takes Name from the Prepoſition *præ*, before, and *ambulo*, to walk; as if we would ſay, To walk before: And hereof the Beginning of an Act is called *The Preamble*, which is as a Key to open the Intent of the Makers of the Act, and the Miſchiefs which they would remedy by the ſame. As for Example, The Statute made at *Weſtminſter* the Firſt, *chap.* 37. which gives an Attaint: The *Preamble* is thus, Foraſmuch as certain People doubt very little to give falſe Verdicts, or Oaths, which they ought not to do, whereby many People are diſherited, and loſe their Right. It is provided, *&c.*

Prebend, *Prebenda,* Is the Portion which every Member, or Canon of a Cathedral Church receiveth in the Right of his Place for his Maintenance: So *Canonica portio* is properly uſed for that Share which every *Canon* or *Prebendary* receiveth yearly out of the common Stock of the Church; and *Prebenda* is a ſeveral Benefice, riſing from ſome Temporal Land, or Church appropriated, towards the Maintenance of a Clerk, or Member of a Collegiate Church, and is commonly ſirnamed of the Place whence the Profit groweth. And theſe *Prebends* be either *ſimple*, or *with Dignity. Simple Prebends* be thoſe that have no more but the Revenue towards their Maintenance: *Prebends with Dignity* are ſuch as have Juriſdiction annex'd to them according to the divers Orders in every ſeveral Church. Of this, ſee more in the *Decretals*, Tit. *De prebendis & dignitat'.*

Prebenda, ſtrictly taken, is that Maintenance which daily *prebetur* to another; but now it ſignifies the Rents and Profits belonging to the Church, divided into thoſe Portions called *Prebendæ*, and it differs from *Canonica*, which is a Right obtained in the Church, by being received into the Cathedral,

dral, or College: *Et per assignationem stallum in choro & locum in capitulo.* But *Prebenda* is a Right of receiving the Profits for the Duty performed in the Church, sufficient for the Support of the Person in that Divine Office where he resides; and it proceeds from *Canonica* as a Daughter from a Mother.

Corpus Prebendæ is that which is received by a Prebendary, over and above the Profits which are always for his daily Maintenance.

Prabenda and *Probenda* were also in old Deeds used for Provision, Provand, or Provender.—— *Pro equo suo unum Bushel Avenarum pro* Præbenda *capienda.* Coucher Book in Dutchy-Office, Tom. 1. fol. 45. See *Corody. Ad* præbendos *equos suos & hospitum suorum.* Monastic. t Tom. 649.

Prebendary (*Præbendarius*) Is he that hath such a *Prebend*; so called, not *a præbendo auxilium & consilium Episcopo*, but from receiving the Prebend.

The Golden Prebendary of Hereford, otherwise called *Prebendarius Episcopi*, Is one of the Twenty-eight minor *Prebendaries* there, who has *ex Officio* the first Canon's Place that falls, was antiently *Confessarius* of the Cathedral Church, and to the Bishop, and had the Altarages; whereby, in respect of the *Gold* and other rich Offerings formerly made there, he had the Name of *Golden Prebendary.*

Precariæ Are Days-Works, which the Tenants of some Manors are bound, by Reason of their Tenure, to do for the Lord in Harvest; and in divers Places are vulgarly called **Bind-days** for **Biden-days**, which in the Saxon *Dies precarias sonat:* For **Biden** is To pray, or intreat. This Custom is plainly set forth in the great Book of the Customs of the Monastery of *Battell*, Tit. *Apelderham, fol.* 60. *Johannes Aylmer tenet per irrotulamentum Curiæ, unum Mess. & unam Virgatam terræ, &c. & debet invenire unum hominem, &c. & etiam debet venire, quolibet anno ad duas precarias earucæ cum caruca sua si habeat integram carucam, vel de parte quam habeat carucæ quum habet, si carucam non habeat integram, & tunc arare debet utroque die quantum potest a mane usque ad meridiem, & uterque lentor,* viz. *Carucæ & fugatorum habeant unum pasium solempnem utroque die prædictarum* præcariarum, *&c. & debet invenire ad* 3. precarias *in Autumpno* 2. *homines,* &c. See more in *Spelman's Glossary,* verbo *Precariæ.* See *Bederepe.*

Precarium nomen, A Precarious Title at Will and Pleasure of the Lord,——*Hanc terram teneo de permissione & sola gratia Walteri Crispin Camerarii Glastoniæ quamdiu sua federit voluntati* nomine precario *& nullo juris titulo.* Chartular. Glaston. MS. *fol.* 122. *b.*

Prece partium Is when a Suit is continued by the Prayer, Assent, or Agreement of both Parties. *Anno* 13 *E.* 1. *cap.* 27.

Precept, *Præceptum*, Is diversly taken in Law, as sometime for a Commandment in Writing, sent out by a Justice of Peace, or other like Officer, for the bringing of a Person or Records before him; of which you have divers Examples in the Table of the *Register Judicial.* And in this Sense it seems to be borrowed from the Customs of *Lombardy*, where *præceptum* signifieth *scripturam vel instrumentum.* Hotom. in verb. *Feudal. & lib.* 3. *Commentar. in libros feudor. in præfatione.* Sometimes it is taken for the Provocation, whereby one Man incites another to commit a Felony, as Theft, Murder, *&c. Staundf. pl. cor. fol.* 105. *Bracton, lib.* 3. *tract.* 2. *cap.* 9. calls it *Præceptum*, or *Mandatum.* Whence we may observe Three Diversities of offending in Murder, *Præceptum, Fortia, Consilium*; *Præceptum* being the Instigation used beforehand; *Fortia* the Assistance in the Fact, as to help to bind the Party murdered, or robbed; *Consilium*, Advice either before, or in the Fact. The *Civilians* use *Mandatum* in this Case.

Preces Has antiently been used in the same Sense with *Precariæ——Walterus de Haincourt universis, &c. excepto quod singulis annis pro eadem terra quinque solidos mihi dabunt, similiter & tres* preces *de una caruca, & tres* preces *in autumpno*; viz. *prima cum uno homine, secunda cum duobus hominibus, tertio vero die cum tot hominibus, quot in eadem terra cotidie metentes inventi fuerint,* &c. Reg. Abbathiæ de Welboe, pag. 107. See *Precaria.*

Precontract, 2 & 3 *Ed.* 6. *cap.* 23. Is a *Contract* made before another *Contract*, but hath Relation especially to Marriages.

Predial Tithes, *Decimæ Prædiales*, Are those which are paid of Things arising and growing from the Ground only, as Corn, Hay, Fruit of Trees, and such like. 2 *E.* 6. 13. See *Co. Inst. fol.* 649. See *Tithes.*

Preemption, *Præemptio*, Was a Privilege allowed the King's Purveyor, to have the first Buying of Corn, and other Provision, before others, for the King's House, which is taken off by a late Statute, made 12 *Car.* 2. *cap.* 24.

Prelate, *Prælatus*, We usually interpret to be an Archbishop, or Bishop: But *Spelman* in his Glossary says, *Prælati Ecclesiæ vocantur nedum superiores ut Episcopi, sed etiam inferiores, ut Archdiaconi, Presbyteri, Plebani & Rectores Ecclesiarum; sic enim in Bulla Privileg. apud* Mat. Par. *in* Hen. 3. *sub* anno 1246. *Innocentius,* &c. *universis tam Cathedralium quam aliorum* Prælatis, *nec non Patronis Ecclesiarum clericis & laicis per Regnum Angliæ constitutis, Salutem.* &c. *pag.* 476.

Premisses. See *Habendum.*

Premium, *Præmium*, A Reward: Amongst Merchants it is used for that Sum of Money which the Ensured gives the Ensurer for ensuring the safe Return of any Ship or Merchandise. *Anno* 19 *Car.* 2. *cap.* 1.

Prender Is the Power or Right of taking a Thing before it is offered; from the French *prendre*, i. e. *accipere: It lies in* Render, *but not in* Prender. *Co. Rep.* 1 *par.* Sir *John Peter's* Case.

Prender de Bayon Signifies literally to take a Husband; but it is used as an Exception, to disable a Woman from pursuing an Appeal of Murder against the Killer of her former Husband. *Staundf. pl. cor. lib.* 3. *cap.* 59.

Prepensed, *Prepensus*, Fore-thought; as Malice *prepensed, Malitia præcogitata*, when a Man is slain upon a sudden Quarrel; yet if there were *Malice prepensed* formerly between them, it makes it *Murder*; or, as it is called in the Statute 12 *H.* 7. *c.* 7. *Prepensed Murder.* See *Murder*, and 3 *Inst. f.* 51.

Præpositus Ecclesiæ. See *Church-Reeve.*

Prerogative Court, *Curia prærogativa Archiepiscopi Cantuariensis*, Is the Court wherein all Wills be proved, and all Administrations taken that belong to the Archbishop by his *Prerogative*; that is, In Case where the Deceased had Goods of any considerable Value out of the Diocese, wherein he died; and that Value is ordinarily 5 *li.* except it be otherwise by Composition between the said Archbishop, and some other Bishop, as in the Diocese of *London* it is Ten Pounds: And if any Contention grow between Two, or more, touching any such Will or Administration, the Cause is properly debated and decided in this Court

The Judge whereof is termed *Judex Curiæ* Prærogativæ *Cantuarienſis*, the Judge of the *Prerogative Court of Canterbury*. The Archbiſhop of *York* hath alſo the like Court, which is termed *His Exchequer*, but far inferior to this in Power and Profit. 4 *Inſt. fol.* 335.

Prerogative of the Biſhop of Canterbury, or York, *Prærogativa Archiepiſcopi Cantuarienſis ſive Eboracenſis*, Is an eſpecial Pre-eminence that theſe Sees have in certain Caſes above ordinary Biſhops within their Province, of which whoever deſires to receive more full Information, may read the Book intituled *De Antiquitate Britannicæ Eccleſiæ, & nominatim de Privilegiis Eccleſiæ Cantuarienſis hiſtoria*, and eſpecially in the eighth Chapter of that Book, pag. 25.

Prerogative of the King, *Prærogativa Regis*, Derived from *præ*, *ante*, and *rogare*, to ask, or demand; is that ſpecial Power, Pre-eminence, or Privilege, which the King hath over and above other Perſons, and above the ordinary Courſe of the Common Law, in the Right of his Crown. *Poteſt Rex ei, lege ſuæ dignitatis condonare, ſi velit, etiam mortem promeritam.* Leg. Edw. Conf. cap. 18. And the *Civilians* uſe this Word *Prærogative* in the ſame Senſe: Among the *Feudiſts* it is termed, *Jus Regalium*, *Jus Regaliorum*; *vel a nonnullis Jus Regaliarum.* And as the Feudiſts, *Sub Jure Regalium*; ſo our Lawyers, *Sub Prærogativa Regis*, do compriſe all that abſolute Height of Power that the *Civilians* call *Majeſtatem*, *vel Poteſtatem*, *vel Jus Imperii*, ſubject only to God. Which *Regalia* the *Feudiſts* divide into Two Sorts, *Majora & minora Regalia*: For to uſe their own Words, *Quædam Regalia dignitatem*, prærogativam & *Imperii præ-eminentiam ſpectant*; *quædam vero ad utilitatem & commodum pecuniarium immediate attinent, & hæc proprie fiſcalia ſunt, & ad jus fiſci pertinent.* Peregr. de Jure Fiſci, lib. 1. cap. 1. num. 9. See alſo *Arnoldus Chapmarius*, De Arcanis Imperii, l. 1. c. 11. By which it appears, That the Statute of the King's *Prerogative*, made 17 *E.* 2. contains not the King's whole *Prerogative*, but only ſo much thereof as concerns the Profit of his Coffers, growing by Virtue of his Regal Power and Crown; for it is more than manifeſt, That his *Prerogative* extends much further, yea even in the Matters of his Profit, which that Statute eſpecially conſiſteth of: For the King hath many Rights of Majeſty peculiar to himſelf, which the Learned in the Law term *Sacra ſacrorum*, that is, Sacred, and *individua*, inſeparable, becauſe they cannot be ſevered, which are many and various: And if you would ſatisfy your ſelf therein, read *Staundf. Prærog.* the Stat. *Prærogativa Regis*, 17 *E.* 2. *Plowden* in the Caſe of Mines, F. N. B. *f.* 31. 31 *H.* 8. *cap.* 13. *Co. lib.* 10. *tit.* 1. The learned *Spelman* calls it *Lex Regiæ dignitatis.*

Presbyter, A Prieſt. *Iſidore*, *lib.* 7. *orig. c.* 12. tells us, That *Presbyter*, *græce*, *latine Senior interpretatur*, *non pro ætate*, *vel decrepita ſenectute*, *ſed propter honorem & dignitatem quam acceperunt*, Presbyteri *nominantur*; *unde & apud Veteres iidem Epiſcopi & Presbyteri fuerunt.*

Presbyteratus Justiciarius totius Angliæ Was a Temporal Office in H. 3. Time, being the *Cuſtos Rotulorum*, or Controllerſhip of the Exchequer, for the *Jews*. *Scaccarii Judaiſmi noſtri. Clauſ.* 27 H. 3. pars 13. M. 3.

Presbyterium, The Presbytery; *i. e.* The Quire or Chancel ſo called, becauſe it was the Place appropriated to the Biſhop and Prieſts, and other Clergy; while the Laity were confined to the Nave, or Body of the Church.——*Crux ſe ſubito evellens, cum ad medium* Presbyterii *veniſſet, verſus altare ſe vertens, retro ad terram cecidit*——*capite verſus introitum* Presbyterii, & *pedibus ad altare porrectis.* Girald. Cambrenſ. apud Whartoni *Angl. Sacr.* P. 2. pag. 428. *Presbyterium* is that Part of the Church where Divine Offices are performed. *Virgini Mariæ orientale altaris* Presbyterium *dedicans.* Monaſticon, 1 Tom. pag. 243. *Continebat hic murus monachorum chorum*, Presbyterium *altare*, *magnum.* Gervaſ. Dorob. De Combuſtione Eccleſiæ Dorobern.

Preſcription, *Præſcriptio*, Is a Title, taking its Subſtance of Uſe, and Time allowed by the Law, which is beyond the Memory of Man. *Kitchin*, *fol.* 104. ſaith thus, *Preſcription* is, when for Continuance of Time, *ultra memoriam hominis*, a particular Perſon hath particular Right againſt another particular Perſon; with whom agrees *Co. lib.* 4. *fol.* 32. and *Co. on Lit. fol.* 140. But as in the *Civil Law*, ſo likewiſe in the *Common: Preſcription* may be in a ſhorter Time, at leaſt in ſome ſpecial Caſes: As for Example, Where the Statute 1 *H.* 8. *cap.* 9. ſaith, That all Actions popular muſt be ſued within Three Years after the Offence committed: And the Stat. 7 *H.* 8. 3. That Four Years being paſt after the Offence committed in one Caſe, and one Year in another, no Suit can be commenced. And the Stat. 31 *Eliz. cap.* 5. ſaith, That all Actions, &c. brought upon Statute, the Penalty whereof belongs to the King, ſhall be brought within Two Years after the Offence committed, or elſe be void. And the Stat. 39 *Eliz. cap.* 1. 2. ſaith, That Actions brought after Two Years by any common Perſon, or after Three Years by the King alone, for Decay of Husbandry, ſhall be of no Force: Whoſoever offendeth againſt any ſuch Statute, and eſcapes unqueſtion'd for Two Years, or Three, of the Two later of the Three forementioned Statutes, may juſtly be ſaid to have *preſcribed* againſt that Action. The like may be ſaid of the Statute made 23 *El. cap.* 1. which ſaith, That all Offences compriſed in that Statute, made in the Thirteenth Year of *Eliz. cap.* 2. are inquirable before both *Juſtices of Peace and Aſſize* within a Year and a Day after the Offence committed: Alſo the Title that a Man attaineth by the Paſſing of Five Years, after a Fine acknowledged of any Lands or Tenements, may juſtly be ſaid to be obtained by *Preſcription*: And whereas the Statute made 8 *R.* 2. *cap.* 4. ſaith, That a Judge, or Clerk, convicted for falſe Entring of Pleas, may be fined within Two Years; the Two Years being paſt, he *preſcribeth* againſt the Puniſhment of the ſaid Statute: And whereas the Statute 11 *H.* 7. ſays, That he which will complain of Maintenance or Embracery, whereby Perjury is committed by a Jury, muſt do it within Six Days, thoſe Six Days ended, the Parties *preſcribe*; and divers other Statutes have the like Limitation of Time, whence may ariſe a like *Preſcription.* See *Action perpetual* and *temporal.* See *Lam. Eiren.* lib. 4. cap. 5. pag. 469. *Cromp. Juſt. of Peace*, fol. 173. Of this *Preſcription*, and the Learning touching the ſame, ſee *Co. Rep.* 4. *Lutterell's* Caſe, *fol.* 84. *Præſcriptio eſt jus quoddam, ex tempore congruens, authoritate legum vim capiens, pœnam negligentibus inferens, & finem litibus imponens*——*Quadragenalis* præſcriptio *omnem prorſus actionem excludat.* Reform. Leg. Eccleſ. pag. 246. See 2 *Inſt. fol.* 653. *Staundf. Prærog. cap.* 8. and *Co.* 7 *Rep. Baskervile's* Caſe.

Preſentation, *Præſentatio*, Is uſed properly for the Act of a Patron, offering his Clerk to the Biſhop,

ſhop, to be inſtituted in a Benefice of his Gift; the Form whereof ſee in *Reg. Orig. fol.* 322. And

Preſentee Is the Clerk that is ſo preſented by the Patron. In the Stat. 13 *R.* 2. *cap.* 1. Mention is made of the King's *Preſentee*, that is, He whom the King *preſents* to a Church.

Preſentia, *Preſents*, ſo called, becauſe they are given *præſenti*. And they differ from *Munera*; for thoſe are Gifts ſent to the Perſon. *Mat. Pariſ. Anno* 1170. *Cui cum Abbas St. Albani in eſculentis & poculentis nobile miſiſſet zenium, regratians Epiſcopus dixit, Accipio ejus* preſentias.

Preſentment Is a meer Denunciation of the *Jurors* themſelves, or ſome other Officer, as *Juſtice*, *Conſtable*, *Searcher*, *Surveyor*, &c. (without any Information) of an Offence inquirable in the Court whereunto it is preſented. *Lamb. Eiren.* lib. 4. pag. 467.

Preſident, *Præſes*, In a legal Senſe denotes the King's *Lieutenant* in a Province, or Function; as the *Preſident of Wales*, *York*, *Berwick*, *or of the King's Council.* 22 H. 8. cap. 8. and 24 H. 8. 3, 14. *Preſident* of the Weavers of *Kidderminſter* Stuffs. 22 & 23 Car. 2. cap. 1.

Preſt Is uſed for a Duty in Money, to be paid by the Sheriff, upon his Account in the *Exchequer*, or for Money left, or remaining in his Hands; 2 & 3 Ed. 6. cap. 4.

Preſtation-Money (*Præſtatio*, A paying or Performing) Is a Sum of *Money* paid by Archdeacons yearly to their Biſhop *pro exteriore juriſdictione*——*Et ſint quieti a* præſtatione *Muragii.* Cart. H. 7. Burgenſ. Mount-Gomer. *Præſtatio* was alſo antiently uſed for *Purveyance.* See Mr. *Philip*'s Book on that Subject, *pag.* 222. And ſee *Spiritualities.*

Preſt-Money Is ſo called of the *French* Word *Preſt*, that is, *promptus*, *expeditus*, for that it binds thoſe that receive it, to be ready at all Times appointed, being meant commonly of Soldiers. 18 *H.* 6. 19. 7 *H.* 7. 1. 3 *H.* 8. 5. and 2 *E.* 6. 2.

Preſumption, *Præſumptio*, Is of Three Sorts; 1. *Violent*, Which is many times a full Proof; as if one be killed in a Houſe, and a Man is ſeen to come out of the Houſe with a bloody Sword, and no other Perſon was at that Time in the Houſe; this, tho' but *Preſumption*, is as a Proof. 2. *Probable*, Which hath but a ſmall Effect. 3 *Levis*, *ſeu temeraria*, Which is of no Prevalence at all: So in Caſe of a Charter or Feoffment, if all the Witneſſes to the Deed be dead; the *violent Preſumption*, which ſtands for a Proof, is continual and quiet Poſſeſſion. *Co. on Lit. lib.* 1. *cap.* 1. *ſect.* 1. *Præſumptio ſtat in dubio*, it is doubted of, yet accounted *Veritatis Comes*, *quatenus in contrarium nulla eſt probatio*, *ut regula ſe habet*, *ſtabitur* præſumptio *donec probetur in contrarium. Preſumption* was antiently taken for Intruſion——*Aſſultus*, *Roberia*, *Sterbrech*, præſumptio *terræ vel pecuniæ Regis*, *Theſaurus inventus*, &c. Leg. Hen. 1. cap. 11. *De his quæ ſunt de jure Regis.*

Pretenſed Right, or **Title**, *Jus prætenſum*, Is where one is in Poſſeſſion of Lands or Tenements, and another who is out, claims it, and ſues for it: Here the *pretenſed Right and Title* is ſaid to be in him who doth ſo claim and ſue.

Pretium ſepulturæ Are thoſe Goods which accrue to the Church in which a Corps is buried. In the *Iriſh* Canons, *lib.* 19. *c.* 6. *Omne corpus ſepultum habet in jure ſuo vaccam, & equum, & veſtimentum, & ornamentum lecti ſui, nec quidquam horum redditur in alia debita, quia corpori ejus tanquam vernacula debentur.* See *Heriot*, and *Sedatium*, and *Mortuary.*

Prevaricate, *Prævaricare*, Is when a Man falſly and deceitfully ſeems to undertake a Thing, *ea intentione*, that he may deſtroy it, *Dicitur* prævaricator, *quaſi varicator, a varia certatione, quia adverſam partem adjuvat prodita ſua propria cauſa, dum huic inſtat corpore ex una parte & illi mente & corde ex altera parte.* Vocabul. utriuſque Juris, *verbo* Prævaricatores.

Price. See *Value.*

Pricked Bread —— *Molendinario ſeptem panes de conventu, & ſeptem panes de* Pricked Bread. Monaſt. Angl. 1 par. fol. 498.

Pride-gavel, In the Lordſhip of *Rodeley*, in the County of *Glouceſter*, is uſed and paid unto this Day, as a Rent to the Lord of the Manor by certain Tenants, in Duty and Acknowledgment to him, for their Liberty and Privilege of fiſhing in the River *Severn* for Lampreys; *Prid*, for Brevity, being the laſt Syllable of *Lamprid* (as they were antiently called) and *Gavel*, a Rent, or Tribute. *Taylor's Hiſtory of Gavelkind*, *cap.* 9. *fol.* 112, 113.

Pridie Is ſometimes joined to an Accuſative, and ſometimes to a Genitive Caſe, *Pridie Calendas*, and *Pridie Calendarum*, is the Day before the *Calends*, that is, The laſt Day of every Month.

Primage Is a Duty due to the Mariners and Sailors, for the Loading of any Ship at the ſetting forth from any Haven, *Anno* 32 *H.* 8. *cap.* 14. which, in ſome Places, is a Penny in the Pound; in others Six Pence for every Pack, or Bale, or otherwiſe, according to the Cuſtom of the Place.

Primerius, The firſt of any Degree of Men; but ſometimes it ſignifies the Nobility. *Primerios totius Angliæ* were the Nobility of *England. Mon.* 1 *Tom. pag.* 838.

Primer ſeiſin, *Prima ſeiſina.* The firſt Poſſeſſion, or *Seiſin* was heretofore uſed as a Branch of the *King's Prerogative*, whereby he had the firſt Poſſeſſion, that is, The intire Profits for a Year of all the Lands and Tenements, whereof his Tenant (that held of him *in Capite*) died *ſeiſed* in his Demeſne as of Fee, his Heir then being at full Age, until he do his Homage, or if under Age, until he were of Age. *Staundf. Prærog. cap.* 3. and *Bracton*, *lib.* 4. *tract.* 3. *cap.* 1. But all the Charges ariſing by *Primier ſeiſins* are taken away by the Statute made 12 *Car.* 2. *cap.* 24.

Primitiæ, *Firſt-Fruits*, Are properly the firſt of our Increaſe offered to God; but in our Law, are the Profits after Avoidance of every ſpiritual Living for one Year. See 26 *H.* 8. *cap.* 3. 32 *H.* 8. *cap.* 45. 1 *Mar. Seſſ.* 2. *cap.* 10. and 1 *Eliz. cap.* 4. See *Firſt Fruits.*

Primitiare, *i. e.* To begin. *Munificentiam tenera* primitiavit *ætate.* Petrus Bleſenſis, Epiſt. 20.

Primna, *i. e.* A Ship. *Ibi conſtruunt claſſem*, primna *dant ventis*, *volant roſtra ad Anglicas Partes.* Du Cange.

Primo Beneficio. See *Beneficio.*

Primogeniture, *Primogenitura*, The Title of an Elder Brother in Right of his Birth: The Reaſon of which, *Co.* upon *Lit.* ſays, is, *Quia prior eſt tempore*, *potior eſt jure*; affirming moreover, *That in King* Alfred's *Time*, *Knights Fees deſcended to the* Eldeſt Son; *for that by the Diviſion of ſuch Fees between Males, the Defence of the Realm might be weakned.* And Judge *Dodderidge* in his Treatiſe of *Nobility* ſaith, *pag.* 119. It was antiently ordained, That all Knights Fees ſhould come unto the eldeſt Son by Succeſſion of Heritage, whereby he ſucceeding his Anceſtors in the whole Inheritance, might be the better enabled to maintain the

Wars againſt the King's Enemies, or his Lords And that the *Soccage* ſhould be partible among the Male Children, to enable them to increaſe into many Families, for the better Furtherance in and Increaſe of Husbandry.

Prince, *Princeps*, Is ſometimes at large taken for the King himſelf, but more properly for the King's Eldeſt Son, who is *Prince of Wales*, as the Eldeſt Son to the *French* King is called *Dauphine*, both being born Princes. *Ferne's Glory of Generoſity, pag.* 138. Before *Edward the Second*, who was born at *Carnarvon*, and *the firſt Engliſh* Prince *of Wales*, the King's Eldeſt Son was ſtiled *Lord Prince*. Staundf. Prærog. *cap.* 22. *fol.* 75. See 27 H. 8. *c.* 26. and 28 H. 8. 3. And *Stow's Annals, p.* 303. But *Prince* was a Name of Dignity long before that Time in *England*; for in a Charter of King *Offa*, after the Biſhops had ſubſcribed their Names, we read, *Brordanus patritius, Binnanus* Princeps; and afterwards the Dukes ſubſcribed their Names. And in a Charter of King *Edgar*, in *Mon. Angl. Tom.* 3. *pag.* 302. *Ego Edgarus Rex rogatus ab Epiſcopo meo Deorwolfe, &* Principe *meo Aldredo*, &c. And in *Mat. Pariſ. pag.* 155. *Ego Halden* Princeps *Regis pro viribus aſſenſum præbeo, & ego Turketillus Dux concedo.*

Principal, *Principalium*, A Heirloom; which ſee. It was alſo ſometimes uſed for a *Mortuary*, or *Corſe-preſent*——*Item lego equum meum vocatum le Bay-Gelding, ut offeratur ante corpus meum in die ſepulturæ meæ, nomine* Principalii. *Ult. volun. Johannis Marcleſield.* 9 Hen. 5. In *Urchenfield*, in the County of *Hereford*, certain *Principals*, as the beſt Beaſt, the beſt Bed, beſt Table, &c. paſs to the Eldeſt Child, and are not liable to Partition. *Hæredes tenementorum infra Hundredam de Stretford poſt mortem anteceſſorum ſuorum habebunt* Principalium *Angl.* an Heir-loom, *videl. de quolibet genere catallorum, utenſilium*, &c. *optimum plauſtrum, optimam camicam, optimum cyphum*, &c. Bridall *Speculum Juris Anglicani, p.* 90. where it is falſly wrote *Principabium*, for *Principalium*. Alſo the chief Perſon in ſome of the Inns of *Chancery* is called *Principal* of the Houſe. See *Ancient*.

Principality of Cheſter, *Anno* 21 *Rich.* 1. *c.* 9. See *County Palatine*, and *Crompton's Divers Juriſdictions, fol.* 137.

Prior Was he who was firſt in Dignity next to the Abbot. *Servata in omnibus reverentia Abbati*, Prior *qui & præpoſitus in regula nominatur, honorabilior eſt reliquis miniſtris domus Dei, ipſe ſolus cæterorum miniſtrorum primum ſuæ partis locum habet in choro, in capitulo, in refectorio, &c.*

Priority, *Prioritas*, Signifies an Antiquity of Tenure, in Compariſon of another not ſo antient; as *To hold by Priority*, is to hold of a Lord more antiently than of another. *Old Nat. Brev. fol.* 94. So, *To hold by Poſteriority*, is uſed in *Staundf. Prærog. cap.* 2. *fol.* 11. And *Crompton* in his *Juriſd. fol.* 117. uſeth this Word in the ſame Signification. The Lord of the *Priority* ſhall have the Cuſtody of the Body, &c. And *fol.* 120. If the Tenant hold by *Priority* of one, and by *Poſteriority* of another, &c. To which Effect ſee alſo *F. N. B. fol.* 142. *Bartolus* in his Tractate *De inſigniis & armis*, uſeth theſe Words, *Prioritas & poſterioritas*, concerning Two that bear one Coat-Armor.

Prior perpetual, or Native and removeable, *Anno* 9 *Rich.* 2. *cap.* 4. and 1 *E.* 4. *cap.* 1. *Lord* Prior *of St.* John's *of* Jeruſalem, who was *primus Baro Angliæ.* 26 H. 28. cap. 2.

Priors alien, *Priores alieni*, Were Religious Men born in *France*, and Governors of Religious Houſes, erected for outlandiſh Men here in *England*, which were by King *Henry* the Fifth, after his Conqueſts in *France*, thought no good Members for this Land, and therefore ſuppreſſed; whoſe Livings afterwards were by King *Henry the Sixth* given to other Monaſteries and Houſes of Learning. *Stow's Annals, pag.* 582. and 1 *H.* 5. *c.* 7. but eſpecially to the Erecting of thoſe Two famous Colleges, called the one *King's College* in *Cambridge*, the other *Eaton.* 2 *par. Inſt. fol.* 584.

Priſage Is that Cuſtom or Share that belongs to the King, out of ſuch Merchandize as are taken at Sea by way of lawful *Prize. Anno* 31 *El. cap.* 5. *Priſagium eſt jus priſas capiendi, vel ipſe actus.*

Priſage of Wines. *Anno* 1 *H.* 8. *cap.* 5. Is a Word almoſt out of Uſe, being now called *Butlerage* (becauſe the King's chief Butler receives it). It is a Cuſtom whereby the Prince challengeth out of every Bark laden with Wine, containing leſs than Forty Tun, Two Tun of Wine; the one before, the other behind the Maſt, at his own Price, which is Twenty Shillings a Tun; yet this varies according to the Cuſtom of the Place: For at *Boſton*, every Bark laden with Ten Tuns of Wine, or above, pays *Priſage*. See *Butlerage*, and *Calthrop's Reports, f.* 20. and 4 *par. Inſt. f.* 30.

> Memorandum, *Quod Rex habet ex antiqua conſuetudine de qualibet Nave mercatoris vini 6. carcat. applican. infra aliquem portum Angliæ, de viginti doliis, duo dolia, & de decem doliis unum de priſa Regis pro quodam certo ab antiquo conſtitut. ſolvend.* P. Rec. 20. R. 2.

Priſe *Priſa*, From the French *Prendre, capere*, ſignifies in our Statutes the Things taken of the King's Subjects by *Purveyors, Anno* 13 *E.* 1. *cap.* 7. and 28 *E.* 1. *ſtat.* 3. *cap.* 2. It ſignifies alſo a *Cuſtom* due to the King, 25 *E.* 1. *cap.* 5. *Reg. Orig. f.* 117. *In foraneis paginis antiquis* (ſays the learned *Spelman*) priſæ *plerumque intelliguntur de annonæ reique frumentariæ captionibus, aliis etiam neceſſariis, ob alenda, inſtruendaque caſtrorum præſidia, necnon & regiam familiam minori quam juſto pretio agricolis arreptis*, &c. In Reſcripto quodam, *Anno* 3 E. 1. Norfiſſ. ——Rogerus de Monte alto *qui ſororem & hæredem Hugonis de Albeney*, &c. *deſponſaverat, clamat habere libertates has ſubſcriptas*, viz. *Caſtellum ſuum de Riſinge cum* priſis 40 *dierum*, &c. Ubi elauſulam, *cum* priſis 40 *dierum*, intelligo *de libertate capiendi victualia quæ vocant ad ſuſtentationem præſidiarii militis caſtri ſui, ita quod pretium reddat infra* 40 *dies.* See 12 *Car.* 2. *cap.* 24.

Priſo, *i. e.* A Priſoner taken in War. *Hoveden, pag.* 541. Priſones *vero qui cum Domino Rege finem fecerunt ante factam pacem.*

Priſon, *Priſona*, Is a Place of Reſtraint for the ſafe Cuſtody of a Perſon to anſwer any Action perſonal or criminal: And here we are to note, That this *ſalva cuſtodia* muſt only be *cuſtodia, non pœna*; for *carcer ad homines cuſtodiendos, non ad puniendos dari debet.* Co. on Lib. lib. 3. cap. 7. ſect. 438.

Priſoner, *Priſonarius, captivus*, From the French *Priſonnier*; ſignifies a Man reſtrained of his Liberty upon any Action civil or criminal, or upon Commandment: And a Man may be a *Priſoner* upon Matter of *Record*, or Matter of *Fact*. *Priſoner* upon Matter of *Record* is he, which being preſent in Court, is by the Court committed only upon Arreſt, be it by the Sheriff, Conſtable, or other. *Staundf. pl. cor. lib.* 1. *c.* 32. *f.* 34. & 35.

Privation, *Privatio*, A Bereaving, or Taking away, moſt commonly applied to a Biſhop or Rector of a Church, when by Death, or other Act they are deprived of their Biſhopriek, or Benefice. See *Co. on Lit. f.* 329. Priva-

Privatus Signifies a Friend, or Familiar. *Et ideo ad hoc veni ut inter eos* Privatus *mediator existerem:*

Qui nimis est privatus, *eum vitare necesse est.*

Privilege, *Privilegium*, Is defined by *Cicero* in his Oration *pro domo sua*, to be *lex privata homini irrogata.* It is, says another, *Jus singulare*, whereby a private Man, or a particular Corporation is exempted from the Rigour of the Common Law. It is sometimes used in the Common Law for a Place that hath any special Immunity. *Kitchin, fol.* 118. *Privilege* is either personal, or real: A *personal Privilege* is that which is granted to any Person either against, or beyond the Course of the Common Law: As for Example, A Member of Parliament may not be arrested, nor any of his Servants, during the Sitting of the Parliament; nor for a certain Time before and after. A *Privilege real* is that which is granted to a Place, as to the *Universities*, that none of either may be called to *Westminster-Hall*, upon any Contract made within their own Precincts, or prosecuted in other Courts: And one belonging to the Court of *Chancery* cannot be sued in any other Court, certain Cases excepted; and if he be, he may remove it by *Writ of Privilege*, grounded upon the Statute 18 E. 3. See the *New Book of Entries*, verbo *Privilege.* Privilegium *est jus singulare, hoc est, privata lex, quæ uni homini, vel loco, vel Collegio, & similibus aliis conceditur.*

'Tis an antient Privilege for Men to be exempted from Arrests in or near the King's Palace where he is resident; because in such Cases Quarrels often happen, and the Peace ought to be kept there. In *Leg. H.* 1. *cap.* 16. *Longe debet esse pax Regis a porta sua ubi residens erit, a quatuor partibus illius loci, hoc est, quatuor milliaria, & tres quarantonæ, & novem aræ latitudine, & novem pedes, & novem palmæ, & novem grana hordei, multus enim respectus esse debet, ac multa diligentia, ne quis pacem Regis infringat, maxime in ejus vicinia.*

Privity, *Privitas*, Private Familiarity, Friendship, inward Relation: If there be Lord and Tenant, and the Tenant holds of the Lord by certain Services, there is *a Privity* between them in respect of the Tenure. See *Privy.*

Privy Seal, *Privatum sigillum*, Is a *Seal* that the King useth to such Grants, or other Things, as pass the *Great Seal:* First they pass the *Privy Signet*; then the *Privy Seal*; and lastly, the *Great Seal of England.* The *Privy Seal* is sometimes used in Things of less Consequence, that never pass the *Great Seal.* No Writs shall pass under the *Privy Seal* which touch the Common Law. 2 *Inst. f.* 555.

Privy, Derived of the French *prive*, i. *familiaris*, Signifies him that is Partaker, or hath an Interest in any Action, or Thing; as *Privies of Blood, Old Nat. Brev. fol.* 117. be those that are linked in Consanguinity; every Heir in Tail is *privy* to recover the Land intailed. *Id. fol.* 147. No *Privity* was between me and the Tenant. *Littleton, fol.* 106. If I deliver Goods to a Man, to be carried to such a Place, and he, after he hath brought them thither, doth steal them, 'tis Felony; because the Privity of Delivery is determined, as soon as they are brought thither. *Staundf. pl. cor. li.* 1. *c.* 15. *f.* 25. *Merchants-privy* be opposite to *Merchants-strangers*, 2 E. 3. 9 & 14. The Author of the *New Terms of the Laws* maketh divers Sorts of *Privies*, viz. Privies *in Estate*, Privies *in Deed*, Privies *in Law*, Privies *in Right, and* Privies *in Blood*; where you may read Examples of each of them in the Word *Privy.* See *Perkins* 831, 832, 833. and *Co. l.* 3. *fol.* 23. *Walker's* Case, and *lib.* 4. *fol.* 123, 124. mentions Four Kinds of *Privies*, viz. *Privies in Blood*, as the Heir to his Father; *Privies in Representation*, as Executors, or Administrators to the Deceased; *Privies in Estate*, as he in the Reversion, and he in the Remainder, when Land is given to one for Life, to another in Fee, for that their Estates are created both at one Time: The fourth is *Privy in Tenure*, as the Lord by Escheat, that is, When the Land escheateth to the Lord for Want of Heirs. See *Co. on Lit. lib. cap.* 8. *sect.* 161.

Privy

Privy Was the Name of the Seal of King *Arthur*, on which the Virgin *Mary* was painted. 'Tis mentioned in *Geoffry* of *Monmouth, l.* 7. *c.* 2.

Probare, in *Leg. Canuti, cap.* 44. *apud Brompton* signifies To claim a Thing as his own. *Et nemo illud* probare *debeat ante sex menses postquam furatum est.*

Probate of Testaments, *Probatio Testamentorum*, Is the Exhibiting and Proving Wills and *Testaments* before the Ecclesiastical Judge, delegated by the Bishop, who is Ordinary of the Place where the Party dies. And the Ordinary is known by the Quantity of the Goods that the Deceased had out of the Diocese wherein he departed; for if all his Goods be in the same Diocese, then the Bishop of the Diocese, or the Archdeacon (according as their Composition or Prescription leads) hath the *Probate of the Testament:* But if the Goods be dispersed in divers Dioceses, so that there be any Sum of Note (as Five Pounds ordinarily) out of the Diocese where the Party lived; then is the Archbishop of *Canterbury* (or *York*) the Ordinary, by his *Prerogative.* See *Prerogative of the Archbishop.* This *Probate* may be made in Two Sorts, in *common Form*, or *per testes. The Proof in common Form* is only by the Oath of the Executor, or Party exhibiting the Will, who sweareth upon his Belief, That the Will exhibited by him, is the last Will and *Testament* of the Deceased. The Proof *per testes* is, when over and besides his own Oath he also produces Witnesses, or makes other Proof to confirm the same, and that in the Presence of such as may pretend any Interest in the Goods of the Deceased, or at least in their Absence, after they have been lawfully summoned to see such a Will proved, if they think good. And the later Course is taken most commonly, when there is Fear of Strife, or Dispute about the Deceased's Goods. For some hold that a *Will proved in common Form* only, may be called in Question any Time within Thirty Years after. And where a Will disposes of Lands and Tenements of Freehold, it is now frequently *proved by Witnesses in Chancery.*

Probator, An Accuser, or Approver, or one who undertakes to prove a Crime charg'd upon another. The Word was strictly meant of an Accomplice in Felony, who to save himself confess'd the Fact, and accus'd any other Principal or Accessory, against whom he was bound to make good the Charge by Duel, or Trial by the Country, and then was pardoned Life and Members, but yet to suffer Transportation.——*Cum* Probator *perfecerit quod promisit, tenetur ei conventio, scilicet ut vitam habeat & membra. Sed in regno remanere non debet, etiamsi velit plegios invenire.* Bracton. *Vid.* Fleta, *lib.* 2. *cap.* 52. §. 42. 44.

Procedendo Is a Writ whereby a Plea or Cause, formerly called from a base Court to the *Chancery*, *King's Bench*, or *Common Pleas*, by Writ of *Privilege* or *Certiorari*, is released or sent down again to the same

same Court, to be proceeded in there, after it appeareth that the Defendant hath no Cause of *Privilege*, or that the Matter compriſed in the Bill be not well proved. *Bro. hoc Titulo*, and *Co. Vol. 6. fol.* 63. In 21 *Rich.* 2. *cap.* 11. *in fine*; Letters of *Procedendo* granted by the Keeper of the *Privy Seal*. See in what divers Manners it is uſed in the Table of the *Original* and *Judicial Writs*, *Anno* 21 *Jac. cap.* 23.

Proceſs, *Proceſſus*, From *procedendo ab initio uſq; ad finem*, is the Manner of proceeding in every Cauſe, being the Writs and Precepts that go forth upon the *Original* upon every Action, being either Original or Judicial. *Britton*, *fol.* 138. wherein there is great Diverſity, as you may ſee in the Table of *F. N. B.* verbo *Proceſſe*, and *Broke hoc Tit.* Sometimes that only is called *The Proceſs*, by which a Man is called into the Court, becauſe it is the Beginning or the principal Part thereof, by which the Reſt of the Buſineſs is directed, according to that Saying of *Ariſtotle*, ἡ ἀρχὴ ἥμισυ τῦ παντός. Divers Kinds of *Proceſs* upon Indictments, ſee in *Cromp. Juſt. of Peace*, *f.* 133, 134, 135. and *Lamb.* in his *Tractate* of *Proceſſes*, adjoining to his *Eirenarcha*. *Special Proceſs* is that which is eſpecially appointed for the Offence by Statute, for which he refers his Reader to the Eighth Chapter of his Fourth Book. The Difference between *Proceſs and Precept*, *or Warrant* of the Juſtices, is this, The *Precept or Warrant* is only to attach and convent the Party before any Indictment or Conviction, and may be made either in the Name of the King or the Juſtice. But *the Proceſs* is always in the King's Name, and uſually after an Indictment. *Co.* 8 *Rep. Blackmore*'s Caſe.

Proceſſion, In Cathedral and Conventual Churches, the Members had their ſtated *Proceſſions*, wherein they walked Two and Two, in their moſt ornamental Habits, with Hymns, Muſick, and other ſuitable Expreſſions of Solemnity and Reſpect to the Occaſion. In every Pariſh there was a cuſtomary Proceſſion of the Pariſh-Prieſt, the Patron of the Church, with the chief Flag, or holy Banner, and the other Pariſhioners in *Aſcenſion Week*, to take a Circuit round the Limits of the Manor, and pray for a Bleſſing on the Fruits of the Earth. To this we owe our preſent Cuſtom of *Perambulation*, which is ſtill in moſt Places called *Proceſſioning*, and *going in Proceſſion*, though we have loſt the Order, and almoſt the Devotion, as well as the Pomp and Superſtition of it.

Proceſſum continuando Is a Writ for the Continuance of a *Proceſs*, after the Death of the Chief Juſtice, or other Juſtices in the Writ of *Oyer and Terminer*. Regiſt. Orig. fol. 128.

Prochein amy, (*Proximus amicus*, *vel propinquior*, the next Friend); is uſed in the Common Law for him that is next of Kin to a Child in his Nonage, and is in that Reſpect allowed by Law to deal for him in the managing his Affairs, as to be his Guardian, if he hold any Land in *Socage*, and in the Redreſs of any Wrong done to him. *Stat. Weſtm.* 1. *cap.* 48. and *Weſtm.* 2. *cap.* 15. and is in the Proſecution of any Action at Law *per Guardianum*, where the Plaintiff is an Infant; & *per proximum amicum*, where the Infant is Defendant. See *Co.* 2 *Inſt. fol.* 261.

Proclamation, *Proclamatio*, Is a Notice publickly given of any Thing, whereof the King thinks fit to advertiſe his Subjects, and ſo it is uſed. 7 *Rich.* 2. *cap.* 6.

Proclamation of Rebellion Is a publick Notice given by the Officer, that a Man not appearing upon a *Subpœna*, nor *an Attachment* in the Chancery, ſhall be reputed a Rebel, unleſs he render himſelf by a Day aſſigned in this Writ. *Cromp. Jur. fol.* 92. See *Commiſſion of Rebellion*.

Proclamation of a Fine Is a Notice openly and ſolemnly given at all the *Aſſiſes* held in the County, within one Year after the engroſſing it. And theſe *Proclamations* are made upon Tranſcripts of the Fine, ſent by the Juſtices of the *Common Pleas* to the Juſtices of *Aſſiſe*, and the Juſtices of *Peace*. *Weſt. Symb.* 2 *par. Tit.* Fines, *ſect.* 132. where alſo you may ſee the Form of the *Proclamation*, *Proclamare eſt valde & palam clamare*. F. N. B. fol. 85. ſays, That the *King's Proclamation* is ſufficient to ſtay a Subject from going out of the Realm. See the Strength of *Proclamations*. *Anno* 31 *H.* 8. *cap.* 8. See alſo *Proclamations* in divers Caſes. *New Book of Entries*, verbo *Proclamations*.

Pro confeſſo Is, when upon a Bill exhibited in Chancery, the Defendant appears, and is in Contempt for not anſwering, and is in Cuſtody; upon a *Habeas Corpus*, (which is granted by Order) to bring him to the Bar, the Court aſſigns him a Day to anſwer, which being expired, and no Anſwer put in, a ſecond *Habeas Corpus* is granted, and a further Day aſſigned; by which Day, if he anſwers not, the Bill, upon the Plaintiff's Motion, ſhall be taken *pro confeſſo*, unleſs Cauſe be ſhewed by a Day, which the Court uſually gives; and for Want of ſuch Cauſe ſhewed, upon Motion, the Subſtance of the Plaintiff's Bill ſhall be Decreed, as if it had *been confeſſed* by the Defendant's Anſwer. As it was in the Caſe of *Filmore* and *Denny*, *Hill.* 1662. Or after a Fourth inſufficient Anſwer to the Bill, the Matter of the Bill not ſufficiently anſwered unto, ſhall be taken *pro confeſſo*.

Proctor, *Procurator*, Is he who undertakes to manage another Man's Cauſe in any Court of the Civil Law or Eccleſiaſtical, for his Fee. *Qui aliena negotia gerenda ſuſcipit*.

Proconſules Were thoſe who were called Juſtices in *Eyre*, or *Juſticiarii Errantes*, in *England*. *Illuſtris comes Legeceſtriæ Robertus modeſte* Proconſulatum *gerens apud Britannias*. Joh. Sarisburienſis, lib. 5. Polierat. cap. 15.

Proctors of the Clergy, *Procuratores Cleri*, Are thoſe who are choſen and appointed to appear for the Cathedral, or other Collegiate Churches; as alſo for the Common Clergy of every Dioceſe at the Parliament, to ſit in the Lower Houſe of *Convocation*; and this is the Manner of their Election. Firſt, The King directeth his Writ to the Archbiſhop of each Province, for the Summoning of all Biſhops, Deans, Archdeacons, Cathedral and Collegiate Churches, and generally of all the Clergy of his Province, aſſigning them the Time and Place in the ſaid Writ: Then the Archbiſhops proceed according to Cuſtom: One Example ſhall ſerve for both. The Archbiſhop of *Canterbury* upon his Writ received, directeth his Letters to the Biſhop of *London*, as his Dean Provincial: Firſt, citing himſelf peremptorily, and then willing him to cite in like Manner all the Biſhops, Deans, Archdeacons, Cathedral and Collegiate Churches, and generally all the Clergy of his Province to the Place, and againſt the Day prefixed in the Writ; but directeth withal, that one *Proctor* be ſent for every Cathedral or Collegiate, and two for the Body

Body of the inferior *Clergy* of each Dioceſe: And by Virtue of theſe Letters authentically ſealed, the ſaid Biſhop of *London* directeth his like Letters ſeverally to the Biſhop of every Dioceſe of the Province, citing them in like Sort, and commanding them not only to appear, but alſo to admoniſh the ſaid Deans and Archdeacons perſonally to appear, and the Cathedral or Collegiate Churches, as alſo the common Clergy of the Dioceſe to ſend their *Proctors* to the Place at the Day appointed; and alſo willeth them, to certify to the Archbiſhop the Names of all and every ſo warned by them, in a Schedule annexed to their Letter certificatory. The Biſhops proceed accordingly, and the Cathedral and Collegiate Churches, and alſo the *Clergy* make Choice of their *Proctors*; which done, and certified to the Biſhop, he returneth all at the Day. Theſe *Proctors of the Clergy* had heretofore Place and Suffrage in the Commons Houſe of Parliament, as appears by the Statute 21 *R.* 2. *cap.* 2 & 12. See *Prolocutor* and *Convocation*, and ſee 4 *Inſt. fol.* 4.

Procuracy, (*Anno* 7 *R.* 2. *Stat.* 1. *cap.* 3.) See *Procurator.*

Procurations (*Procurationes*) Are certain Sums of Money which Pariſh-Prieſts pay yearly to the Biſhop or Archdeacon, *ratione Viſitationis.* They were anciently paid in neceſſary Victuals for the Viſitor and his Attendants; but afterwards turn'd into Money: For *Procuratio*, in a ſtrained Senſe, ſignifies a Diet, and is thus defined by *Vallenſis*, to be *Neceſſariorum ſumptuum exhibitio, quæ ratione Viſitationis debetur ab Eccleſia vel Monaſterio ei cui ex officio incumbit jus & onus viſitandi, ſive is ſit Epiſcopus, ſive Archidiaconus, ſive Decanus, ſive Legatus ſummi Pontificis.* Anno 1290. *Md. quod die Mercurii in Feſto Sancti Lucæ Evang. Dominus Epiſcopus cepit* Procurationem *ſuam in cibis & potibus apud Bordeſley, & pernoctavit ibidem.* Giff. fol. 226. b. See an Hiſtorical Diſcourſe of *Procurations* and *Synodals*, printed *Anno* 1661. Theſe are alſo called *Proxies*; as, *Archidiaconatus Glouc. valet clare in Proxis, Cenag. & Pentecoſtal. per annum 64l. 10s. 00d.* Ex Record. Primitiar. 26 Hen. 8. See *Dyer, fol.* 373. *b.* and *Clauſ. Rot.* 31 *Edw.* 1. *m.* 15. *dorſo.* See *Hoſpitium* and *Convivium.*

Complaints were often made to the Pope of the exceſſive Charges of the *Procurations*, which were prohibited by ſeveral Councils and Bulls. That of *Clement* the Fourth, mentioned in the *Monaſticon*, 2 *Tom. pag.* 165. is very particular; wherein that Pope tells us, that Complaint had been made to him that the Archdeacon of *Richmond*, viſiting the Dioceſe, travelled with One Hundred and three Horſes, Twenty-one Dogs, and Three Hawks, and did ſo grievouſly oppreſs a Religious Houſe with that vaſt Equipage, that he cauſed the Monks to ſpend in an Hour as much as would have maintained them a long Time. See *Indemnities.*

Procurator, One who has a Charge committed to him by another. So the *Proxies* of Lords in Parliament are in our Law Books called *Procuratores.* It ſignifies alſo a Vicar or Lieutenant; one who acts inſtead of another. In *Petrus Bleſenſis, Ep.* 47. we read of a *Procurator Regni.* So *Procurator reipublicæ* is a publick Magiſtrate. There are alſo *Procuratores Cleri* ſent to the Convocation; and the Biſhops ſometimes are called *Procuratores Eccleſiarum.* And from this Word comes the common Word *Proctor*, in the Civil Court. It is alſo uſed for him that gathers the Fruit of a Benefice for another Man. *Anno* 3 *Rich.* 2. *Stat.* 1. *cap.* 3. and *Procuracy* for the Writing or Inſtrument, whereby he is authorized. *Procuratores* are at this Day in the Weſt Parts called *Proctors.*

Procuratores Eccleſiæ Parochialis, The Churchwardens, who were to act as Proxies and Repreſentatives of the Church, for the true Honour and Intereſt of it. ——— *Johannes Peris ſen. & Johannes Baily* Procuratores Eccleſiæ parochialis *de Acle.* Paroch. Antiquit. pag. 562.

Procuratorium, The *Procuratory* or Inſtrument by which any Perſon or Community did conſtitute or delegate their Proctor or Proctors, to repreſent them in any judicial Court or Cauſe.

Procurator Monaſterii, The Advocate of a Religious Houſe, who was to ſollicite the Intereſt, and plead the Cauſes of the Society. See *Proviſor Monaſterii.*

Procutors. See *Malveis Procurors.*

Procurſus Is the Genealogy of a Man. *Cum a quodam clerico & perito originem & procurſum Regis Ludovici quæreret.* Mat. Pariſ. Anno 1130.

Prodes Homes; This is a Title often given in our old Books to the Barons, or other Military Tenants, who were called to the King's Council, and was no more than *Diſcreti & Fideles Homines*, diſcreet Liege-men, who, according to the Beſt of their Prudence and Knowledge, were to give their Counſel and Advice.

Prodiarius Canis, A Lurcher, a Setting-Dog. *W. Primas Ebor. &c. dilecto Priori de Birſtall Salut.* ——— *Rogamus dilectionem veſtram, quatenus ſi placeat cum celeritate qua poteritis Nobis provideatis in partibus veſtris tranſmarinis de duobus* canibus prodriariis *ſeu cucheris & vobis de pretio fideliter & plene reſpondebimus & de cuſtu: Et hoc ſicut Nos diligitis nullatenus omittatis, ita quod dictos canes habeamus citra Feſtum beati Michaelis omni modo.* Dat. Beverl. 10 Cal. Sept. 1280. Collectan. Matth. Hutton. S. T. P. MS.

Proff, alias **Prove** Is uſed for an Inqueſt, *Anno* 28 *Ed.* 3. *cap.* 13.

Profer, (*Profrum vel proferum*, From the French *Proferer, i. producere, edicere, allegare*) Is the Time appointed for the Accounts of Sheriffs, and other Officers in the Exchequer, which is twice in the Year. *Anno* 51 *H.* 3. *Stat.* 5. which may be gathered alſo out of the *Regiſter, fol.* 139. In the Writ *De Attornato Vicecomitis pro* profro *faciendo.* We read alſo of *proffers*, 32 *H.* 8. 21. in theſe Words, *Trinity-Term ſhall begin the* Monday *next after* Trinity-Sunday, *whenſoever it ſhall happen to fall, for the keeping of the Eſſoins*, Proffers, *Returns, and other Ceremonies heretofore uſed and kept.* In which Place *proffer* ſignifies the Offer or Endeavour to proceed in an Action by any Man concerned ſo to do. See *Britton, cap.* 28. *fol.* 50, 55, 80. and *Fleta, lib.* 1. *cap.* 38. *ſect. Utlegati, &c. Præterea idem* Henricus de Haſtinggis, *& anteceſſores ſui ſolebant capere & de jure habere rationabiles expenſas ſuas verſus Scaccarium ſingulis annis, pro duobus* Profris *faciendis & uno compoto reddendo per annum, &c.* Eſcaet. Anno 30 Ed. 1. n. 19. See *Riley's Pla. Parl. fol.* 201. *de Anno* 22 *Ed.* 1.

Profer the hall-mark. See *Half-mark.*

Profert in Curia Is, in Caſe where the Plaintiff declares upon a Deed, or the Defendant pleads a Deed, he muſt do it with a *Profert in Curia*,

ria, to the End that the other Party may at his own Charges have a Copy of it; and until he hath at his Requeſt and Charges gotten a Copy of the Deed, he is not bound to anſwer it. *Pract. Reg.* 2 *Vol. fol.* 382.

Profer Vicecomitis, Though the certain *Debet* of the Sheriff could not be known before the Finiſhing of his Account, yet it ſeems there was anciently an Eſtimate what this conſtant Charge of the annual Revenue amounted to, and what the conſtant Allowances amounted to, according to a *Medium*; and theſe Sums were paid into the Exchequer at the Return of the Writ of Summons of the Pipe; and they were, and are to this Day called *Profer Vicecomitis*. But although theſe *Proffers* are paid, yet if upon Concluſion of the Sheriffs Accounts, and after the Allowances and Diſcharges had by him, it appears that he be in Surpluſage, or that he is charged with more than indeed he could receive, he hath his *Proffers* paid or allowed to him again. *Vide* Hale *of Sheriffs Accompts, pag.* 52.

Profeſſion (*Profeſſio*) Is uſed particularly for the entring into any Religious Order; (*New Book of Entries*, verbo *Profeſſion*,) by which a Monk offered himſelf to God by a Vow of Three Things, *viz.* Obedience, Chaſtity, and Poverty, which he promiſed conſtantly to obſerve. And this was called *Sanctæ Religionis Profeſſio*, and the Monk a *Religious Profeſſed*.

Program, *i. e.* A Letter ſealed with the King's Seal. *Spec. Sax. lib.* 3. *art.* 34.

Profits apprender. See *Prendre*.

Prohibition, *Prohibitio*, Is a Writ to forbid any Court, either Spiritual or Secular, to proceed in any Cauſe there depending, upon Suggeſtion that the Cogniſance thereof belongeth not to the ſame Court. *F. N. B. fol.* 39. But is now moſt uſually taken for that Writ which lieth for one that is impleaded in the *Court Chriſtian*, for a Cauſe belonging to the temporal Juriſdiction, or the Conuſance of the *King's Court*, whereby as well the Party and his Counſel, as the Judge himſelf, and the Regiſter, are forbidden to proceed any further in that Cauſe. In what Caſes this lieth, ſee *Bro. hoc Tit. & F. N. B. fol.* 93. Of this *Prohibition*, *Bracton*, *lib.* 5. *tract.* 5. *cap.* 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. ſaith, that it lies not after Sentence given in any Cauſe: And the Statute of 50 *E.* 3. ordains, that there ſhould lie no more than one *Prohibition* in one Cauſe. See the Diverſity of *Prohibitions* in the Table of the *Regiſter Original*, and the *New Book of Entries*, verbo *Prohibiton*, and *F. N. B. fol.* 39.

Prohibitio de vaſto directa parti Is a Writ Judicial directed to the Tenant, prohibiting him from making Waſte upon the Land in Controverſy, during the Suit. *Reg. Judic. fol.* 21. It is ſometimes made to the Sheriff; the Example whereof you have in the ſame Book next following.

Pro indiviſo Is a Poſſeſſion or Occupation of Lands or Tenements, belonging to Two or more Perſons, whereof none knows his ſeveral Portion, as *Coparceners* before Partition. *Bracton, lib.* 5. *tract.* 2. *cap.* 1. *num.* 7. See *Pourparty* and *Partitione facienda*.

Proles, In Engliſh *Progeny*, Is properly ſuch as proceed from a lawful Marriage; tho' if the Word be taken at large, it may well denote the Iſſue of an unlawful Bed.

Prolocutor of the Convocation Houſe, *Prolocutor Domus Convocationis*, Is an Officer choſen by Perſons Eccleſiaſtical, publickly aſſembled by Virtue of the King's Writ for every Parliament; and as there be Two Houſes of *Convocation*, ſo there are Two *Prolocutors*, one of the Lower, and one of the Higher Houſe. He of the Lower Houſe, preſently upon the firſt Aſſembly, by the Motion of the Biſhops, being choſen by the Members of the ſaid Lower Houſe, is preſented to the Biſhops for *Prolocutor*, that is, the Perſon by whom they intend to deliver their Reſolutions to the Higher Houſe, and to have their own Houſe eſpecially ordered and governed. His Office is to cauſe the Clerk to call the Names of ſuch as are of that Houſe, when he ſees Cauſe, to read all Things propounded, gather Suffrages, and the like.

Promiſe, *Promiſſio*, Is, when upon a valuable Conſideration, we bind our ſelves by our Words to do or perform ſuch an Act as is agreed upon and concluded, upon which an Action may be grounded; whereas, if it be without Conſideration, it is called *Nudum pactum, ex quo non oritur actio*.

Promoters, or rather **Promoters**, *Promotores*, Are thoſe who in popular and penal Actions do proſecute Offenders in their own Name and the King's, having Part of the Fines or Penalties for their Reward; theſe, among the *Romans* were called *Quadruplatores* or *Delatores*. They belong eſpecially to the Exchequer and King's Bench. *Smith de Rep. Angl. lib.* 2. *cap.* 14. *Coke* calls them *Turbidum hominum genus*. 3 Inſt. fol. 191.

Promulge a Law, *Promulgare Legem*, Is firſt to make a *Law*, and then to declare, publiſh, and proclaim the ſame to publick View, and ſo

Promulged, *Promulgatus*, is publiſhed, proclaimed, 6 *H.* 8. 4.

Pronotary, or **Prothonotary**, (*Protonotarius*, *i. e. Primus notarius*,) Is a chief Clerk of the Common Pleas, and King's Bench, whereof the firſt hath three, the other one; for the *Pronotary* of the Common Pleas (*Anno* 5 *Hen.* 4. *cap.* 14.) is termed a chief Clerk of that Court. He of the King's Bench records all Actions Civil, as the Clerk of the Crown-Office does all Criminal Cauſes in that Court. Thoſe of the Common Pleas, ſince the Order of 14 *Jac.* upon an Agreement made betwixt the *Prothonotaries* and *Filacers* of that Court, (who before did enter all Declarations and Pleas, whereunto a Serjeant's Hand was not required,) do enter and enrol all Manner of Declarations, Pleadings, Aſſiſes, Judgments, and Actions. They make out all Judicial Writs, except Writs of *Habeas Corpus* and *Diſtringas Jurator.* for which there is a particular Office, not much beyond the Memory of Man erected, called *The Habeas Corpora Office*. They alſo make out *Writs of Execution*, and of *Seiſin*, *Writs of Privilege*, for removing Cauſes from other inferior Courts of Record, in Caſe where the Party hath Cauſe of Privilege. Writs of *Procedendo*, of *Scire facias* in all Caſes, and Writs to enquire of Damages; and all Proceſs upon Prohibitions, and upon Writs of *Audita Querela*, and falſe Judgment, *cum multis aliis*. They enter and enrol all common Recoveries; and may make Exemplifications of any Record in the ſame Term, before their Rolls are made up, and brought into the Treaſury of Records in that Court.

Proof,

Proof, *Probatio*: *Bracton* says, There is *Probatio duplex, viz. viva*, as by Witnesses, *viva voce*; and *Mortua*, by Deeds, Writings, *&c.* A Wife cannot be produced either against or for her Husband, *quia duæ sunt animæ in carne una*, and it might be a Cause of irreconcilable Discord, and a Means of great Inconveniences. *Co. on Lit. lib. 5. cap. sect. 1.*

Pro partibus liberandis Is a Writ for the Partition of Lands between Co-heirs. *Reg. Orig. fol.* 316.

Propertia, The same with *Perpars, viz. inter sorores* Propertia *facta fuit de prædictis Comitatibus, advocationibus & castris.* Monastic. 1 Tom. pag. 305.

Property, *Proprietas*, Is the highest Right that a Man hath, or can have to any Thing, and no Ways depending upon any other Man's Courtesy. And this none in our Kingdom can be said to have in any Lands or Tenements, but only the King in the Right of his Crown; because all the Lands throughout the Realm are in the Nature of Fee, and hold either mediately or immediately of the Crown. This Word nevertheless is used for that Right in Lands and Tenements that common Persons have, because it importeth as much as *Utile Dominium*, though not *directum*. See *Fee*. And there are Three Manner of Rights of *Property*, that is, *Property absolute, Property qualified*, and *Property possessory*. Of which see at large, *Co. lib. 7. fol.* 17. Case of *Swans*.

Prophecies, *Prophetiæ*, Are by our Statutes taken for foretelling of Things to come in dark and ambiguous Speeches, whereby great Commotions have been often caused in this Kingdom, and great Attempts made by those to whom those Speeches promised good Success, though the Words are mystically framed, and point only at the Cognizance, Arms, or some other Quality of the Parties. *Anno* 3 *E. 6. cap.* 15. and 7 *Ejusd. cap.* 11. and 5 *Eliz. cap.* 15. But these for Distinction sake are called *fond, false and fantastical Prophecies*. 3 Inst. fol. 128.

Proportare. *Skene de verbor. signif.* latins it *Proportatio assisæ*, The Declaration or Deliverance of an Assise, otherwise called *Veredictum Assisæ*, the Verdict of an Assise, because the Assisors are sworn to declare the Truth, and therefore are called *Juratores*, Jurors.

Proportare. This Word is mentioned in *Mon. Angl.* 1 *Tom. pag.* 534. *Et unam partem bosci nostri, sicut Fossata* proportant, *i. e.* as far as the Ditches reach.

Proportion. See *De onerando pro rata portionis*.

Proportum, Purport, Intention or Meaning. *Secundum* Proportum *dicti Cyrographi inter eos Confecti*. Carta Rogeri de Quincy, 31 H. 3.

Propounders. The 85 *Cha. of Coke's* 3 *Institutes* is intituled, *Against Monopolists, Propounders* and *Projectors*; where it seems to be used only as a *Synonyma* to *Monopolists*.

Proprietarii Monachi Were those Monks who had any Goods or Substance of their own. They are often mentioned in *Mon. Angl.* 3 *Tom. p.* 307. *& in Addit. ad Matt. Paris. pag.* 115. *Monachi* Proprietarii *excommunicentur ab Abbatibus, & si in morte* proprietarius *inventus fuerit, Ecclesiastica careat sepultura, &c.*

Proprietary, *Proprietarius*, Is he that hath a Property in any Thing, *quæ nullius arbitrio est obnoxia*; but was heretofore chiefly used for him that hath the Fruits of a Benefice to himself, and his Heirs or Successors, as in Time past *Abbots and Priors* had to them and their Successors. See *Appropriation*.

Proprietate probanda Is a Writ that lies for him that would prove a *Property* before the Sheriff. *Reg. Orig. fol.* 83, 85. For where a *Property* is alledged, a *Replegiare* lieth not. *Broke, Property* 1.

Pro rata, That is, *pro proportione*, 16 Car. 2. cap. 6. ——— *Pro rata portionis*. See *Onerando* pro rata *portionis*.

Prorogue, *Prorogare*, To prolong, or put off to another Day, *Anno* 6 *H.* 8. *cap.* 8. The Difference between a *Prorogation* and an *Adjournment*, or Continuance of the Parliament, is, That by the *Prorogation* in open Court there is a Session, and then such Bills as passed in either House, or both Houses, and had not the Royal Assent to them, must at the next Assembly begin again; for every Session of Parliament is in Law a several Parliament, but if it be but adjourned or continued, then is there no Session, and consequently all Things continue in the same State they were in before the *Adjournment*. 4 *Inst. fol.* 27. This Distinction and Difference betwixt *Prorogation* and *Adjournment*, has not been long in Use; for anciently they were used as *Synonyma's*. *Prorogetur Curia de hora in horam quousque Placitum terminetur.* MS. de LL.

Prosecutor Is he that follows a Cause in another's Name. See *Promooters*.

Protection, *Protectio*, Hath a general and a special Signification: In the General it is used for that Benefit and Safety which every Subject, Denizen, or Alien, especially secured, hath by the King's Laws, and so it is used. 25 *E.* 3. 22. *Protection* in the special Signification, is used for an Exemption or Immunity given by the King to a Person against Suits in Law, or other Vexations, upon reasonable Causes him thereunto moving, which is a Branch of his *Prerogative*. And of this *Fitzherbert* in his *Nat. Brev. fol.* 28. maketh Two Kinds; the first he calls a *Protection cum clausulâ Volumus*, whereof he mentions four Particulars: 1. A *Protection quia profecturus*, for him that is to pass over Sea in the King's Service. 2. A *Protection quia moraturus*, for him that is abroad in the King's Service upon the Sea, or in the Marches. 7 *H.* 7. *cap.* 2. 3. A *Protection* for the King's Debtor, that he be not sued or attached till the King be paid his Debt. This some *Civilians* call *Moratoriam*. And 4. A *Protection* in the King's Service beyond the Sea, or in the Marches of *Scotland*, *Anno* 1 *R.* 2. *cap.* 8. *Reg. Orig. fol.* 23. and *Britton, cap.* 123. The second Form of *Protection*, is *cum clausula Nolumus*, which is granted most commonly to a Spiritual Company for their Immunity, from taking of their Cattel by the King's Ministers: But it may be granted also to one Man Spiritual or Temporal. *Reg. Orig. fol.* 22, 23. None of these *Protections* extend to *Pleas of Dower, Quare impedit, Assise of Novel Disseisin, Darrein Presentment*, and *Attaints* and *Pleas before Justices in Eyre*. See the *Terms of the Law*, verbo *Protection*, and *New Book of Entries* of this Word.

Protonotary. See *Pronotary*.

Protoforestarius Was he whom our King heretofore made Chief of *Windsor Forest*, to hear all Causes of *Death* or *Maihem* there. *Camb. Brit.*

Brit. pag. 213. A Kind of a Lord Chief Juſtice *in Eyre.*

Proteſt, *Proteſtari*, Hath two divers Applications; one is by Way of Caution, to call Witneſs (as it were) or openly affirm, That he doth either not at all, or but conditionally yield his Conſent to any Act, or unto the Proceeding of a Judge in a Court, wherein his Juriſdiction is doubtful, or to anſwer upon his Oath further than by Law he is bound. See *Plowden, fol.* 676. *Gresbrook*'s Caſe, and *Reg. Orig. fol.* 306. The other is by Way of Complaint, *to proteſt* a Man's Bill. For Example. If I give Money to a Merchant in *France*, taking his Bill of Exchange to be repaid in *England* by one whom he aſſigneth; if at my coming, I find not my ſelf ſatisfied, but either delayed or denied, then I go to the *Exchange*, or open Concourſe of Merchants, and *proteſt*, That I am not paid; and thereupon if he hath any Goods remaining in any Man's Hands within the Realm, the *Law of Merchants* is, that I be paid out of them to my full Satisfaction.

Proteſtation, *Proteſtatio*, Is (as Juſtice *Wälſh* defines it) a Defence or Safeguard to the Party which maketh it from being concluded by the Act he is about to do, that Iſſue cannot be joined by it. *Plowd. fol.* 276. whereof ſee *Reg. Orig. fol.* 326. And ſee *Proteſt*. It is a Form of Pleading, when one does not directly affirm, or directly deny any Thing that is alledged by another, or which he himſelf alledgeth.

Prove. See *Proſe.*

Prover, *Probator*, *Anno* 28 *E.* 1. and 5 *H.* 4. *cap.* 2. See *Approvers*, and 3 *par. Inſt. fol.* 129. A Man became an *Approver*, and appealed Five, and every of them joined Battel with him: *Et duellum percuſſum fuit cum omnibus*, & probator *devicit omnes quinque in duello, quorum quatuor ſuſpendebantur, & quintus clamabat eſſe clericum & allocatur*, & probator *pardonatur.* Mich. 39 E. 3. coram Rege. Rot. 97. Suff.

Providentia, Proviſion of Meat or Drink. *Hilaritas dapum & poculentorum omnibus venire volentibus & refici cupientibus ſemper parata erat quamdiu ibi moram traxit, & talem* providentiam *ibi fecerat, quod tota curia mirabatur*——— providentia *vini ante adventum ſuum in cellaria ſua erat centum doliorum.* Hen. Knyghton ſub anno 1354.

Province, *Provincia*, Was uſed among the *Romans* for a Country without the Limits of *Italy*, gained to their Subjection by the Sword: Whereupon that Part of *France* next the *Alpes* was ſo called of them, and ſtill retains the Name: But with us a *Province* is moſt uſually taken for the Circuit of an Archbiſhop's Juriſdiction, as the *Province of Canterbury*, and the *Province of York*, 32 H. 8. 23. and 33 H. 8. 31. yet it is alſo divers Times uſed in our Statutes for ſeveral Parts of the Realm, and ſometimes for a County. *In placito Agnetis quæ fuit uxor* Radulphi *de* Buttiler *verſus priorem de* Repindon, *pro terra in* Pykinton, *Prior dicit, quod nulla villa eſt in* Provincia *illa quæ ſic vocatur.* Placit. de Juratis & Aſſiſis apud Derby Paſch. 53 H. 3. Rot. 2.

Provincial, *Provincialis*, Is a Chief Governor of a Religious Order of Friars, &c. 4 *H.* 4. 17.

Proviſion, *Proviſio*, Is uſed with us as in the Canon Law, for the providing of a Biſhop, or any other Perſon, an Eccleſiaſtical Living, by the Pope, before the Incumbent be dead: It is alſo called *Gratia expectativa*, or *Mandatum de providendo*: The great Abuſe whereof you may read not only in *Duarenus de ſacris Eccleſiæ Miniſteriis & Beneficiis.* lib. 3. cap. 2. but alſo in divers Statutes of this Realm, *viz.* 35 *E.* 3. 22 *ſtat.* 4 & 5. commonly called the Statute *De proviſionibus*, & 27 *E.* 3. *cap.* 1. & 38 *E.* 3. *ſtat.* 2. *cap.* 1, 2, 3, 4. & 2 *Rich.* 2. *cap.* 7. 3 *R.* 2. *cap.* 3. 7 *R.* 2. 12. 12 *R.* 2. *ſtat.* 2. *cap.* 2, 3, 4. & 3 *H.* 5. *cap.* 4. See *Præmunire.*

Proviſions, The Acts to reſtrain the exorbitant Abuſe of arbitrary Power made in the Parliament at *Oxford*, 1258. were called *Proviſiones* by *Riſhanger*, who continued *Matt. Pariſ. Anno* 1260. *Rex autem quia juraverat cum Edwardo primogenito ſuo & Baronagio* Proviſiones *Oxonienſes ſe inviolabiliter ſervaturum, &c.* being to provide againſt the King's Abſolute Will and Pleaſure. See *Matt. Pariſ. ſub annis* 1244. & 1258.

Proviſiones Were alſo the ſame with *Providentiæ*, *i. e.* Proviſions of Victuals.

Gratiſque dari proviſa jubemus.

Proviſo Is a Condition inſerted into any Deed, upon the Obſervance whereof the Validity of the Deed depends: Sometimes it is only a Covenant. *Co.* 2 *Rep.* Lord *Cromwel*'s Caſe. It hath alſo another Signification in Matters Judicial, as if the Plaintiff or Demandant deſiſt in proſecuting an Action by bringing it to a Trial: The Defendant or Tenant may take out a *Venire facias* to the Sheriff, which hath in it theſe Words, *Proviſo quod*, &c. to this End, that if the Plaintiff take out any Writ to that Purpoſe, the Sheriff ſhall ſummon but one Jury upon them both: In which Caſe we call going to Trial by *Proviſo.* See *Old Nat. Brev. fol.* 159. in the Writ *Niſi prius.*

Proviſor Is he that ſues to the Court of *Rome* for a *Proviſion*, which is called *Gratia expectativa* according to *Spelman.* See alſo *Old Nat. Brev. fol.* 143. they were prohibited by Proclamation 42 *Hen.* 3. *Anno* 1258. *Hill. pag.* 259. It is ſometimes alſo taken for him that hath the Care of *providing* Things neceſſary, a Purveyor. See *Proviſion.* Proviſores *dicuntur, qui vel Epiſcopatum vel Eccleſiaſticam aliam Dignitatem in Romana Curia ſibi ambiebant de futuro, quod ex gratia expectativa nuncuparunt, quia uſque dum vacaret expectandum eſſet.* Spelm.

Proviſor Monaſterii, The Treaſurer or Steward of a Religious Houſe, who had the Cuſtody of Goods and Money, and ſuperviſed all Accounts.——— *Abbas Turketulus*——— *Dominum Egelricum tunc* Proviſorem *ſuum, Statum Domus tam in Theſauris, quam in jocalibus aliis juſſit oſtendere.*———*Vaſa vero aurea & argentea multa, quæ omnia integra in neceſſitatem Monaſterii ſub* Proviſoris & *Procuratoris cuſtodia deputaverat conſervanda. Erant enim ambo Egelrici cognati ſui ſecundum carnem, & Fratres ſecundum Deum religioſiſſimi, alter* Monaſterii Proviſor, *alter Procurator*: Proviſor *in temporalibus tractandis prudentiſſimus*; *Procurator vir Scolaſticus, & omnium literarum ſcientia profundiſſima imbutus.* Ingulph. Hiſt.

Proviſor Victualium, The King's Purveyor, who provided for the Accommodations of his Court, is ſo called in our Hiſtorians.

Provoſt Marſhal, An Officer in the King's Navy, who hath Charge of the Priſoners taken at Sea. 13 *Car.* 2. *cap.* 9. and is ſometimes uſed for

for the like Purpoſe at Land, or to ſeiſe or arreſt any within the Juriſdiction of his Place or Office.

Porege. See *Senage*, Haply it may be the Payment of *Proxies or Procurations, ſed quære.*

Porpes Are yearly Payments made by Pariſh-Prieſts to their Biſhop or Archdeacon, *ratione viſitationis.* See *Procurations*, and the Caſe between the King and Sir *Ambroſe Forth*, 2 *Jac.* in the Exchequer. See alſo Sir *Jo. Davis*, *Rep. fol.* 4.

Pryk Seems to ſignify an old faſhioned Spur with one Point, not a Rowel, and is a Kind of Service or Tenure.——— *Nicholas filius & hæres* Nich. *de* Longford *Chivalier, tenet* 4. *Meſſuagia*, 40 *Acras terræ*, 10 *Acras prati* & 60 s. *redditus cum pertinentiis in* Kinwaldmerſh *de Rege in Capite, per ſervitium inveniendi unum* equum, *unum* ſaccum & *unum* Pryk *in Guerra Walliæ quandocunque contigerit Regem ibi guerrare.* Mich. Fines, 1 Rich. 2. Derb. fol. 204. I find in *Henry* the Eighth's Time, Light Horſemen in War were called *Prickers*, becauſe they uſed ſuch Spurs or *Pryks* to make their Horſes go with Speed; and to this Day Horſemen ſay, *Prick on*, when they would have one ride faſter.

Publick Faith, *Fides publica*, 17 Car. 1. cap. 18. Was a Rebellious Cheat to get Money from the ſeduced People, upon (as they called it) *The publick Faith* of the Nation, to make a moſt horrid and cauſleſs Rebellion againſt a moſt Religious and Gracious Sovereign, which began about the Year 1642.

Pucellage, *Pucellagium*, French *Pucelage*, Virginity——*Quod tenuit eam, dum idem* B. *abſtulit* pucellagium *ſuum vel quod concubuit cum ea*, Bract. lib. 3. tract. 2. cap. 28. num. 2, 3, & 5. In an ancient *MS.* it is written *Puellagium. In placito pro raptu ſic continetur —— quod ipſam de* puellagio *ſuo felonice & totaliter defloravit.* Inter Placit. Mich. 19 *E.* 3. *London*, 159.

Puchia, A Bag, a Purſe. —— *Die Lunæ proxime poſt Feſtum circumciſionis Domini anno* 1332. *in capitulo Eccleſ. Paulinæ ordinatum eſt——quod ſi omnes Stagiarii a civitate fuerint abſentes, tunc Sacriſta cum uno de Cardinalibus chori, amoto ſigillo Canonici* puchia *pecuniæ appoſita, pecuniam neceſſariam liberent Cuſtodi, &* puchiam *reconſignent ——Ex Libr. Statutorum Eccleſ. Paulinæ. MS. penes Rev. Joh. Epiſc.* Norwic.

Pudhepec, *Si* Pudhepec, (i. nemoris læſio) *parco Regis vel Foreſtæ fiat* 30 *marc. emendetur, niſi propoſitio propenſior amplius exigat.* Leg. Hen. 1. cap. 38. But the learned *Spelman* thinks it is miſwritten, for the Saxon *Pudhepec*, i. *Wudhepec*; the *w* in that Character being like the *p* in ours.

Pudzeld, The ſame with *Woodgeld. Co.* on *Lit. fol.* 233. And haply the like Miſtake in the firſt Letters of this as of the former Word.

Puiſne, (Fr. *Puiſne*) Younger, Puny, born after. See *Mulier.*

Puleterius,——*Rex Majori & Vic' London Salutem, quia accepimus quod piſtores, Tabernarii, Molendinarii, Coci*, Puleterii, *Piſcenarii, Carnifices, Braſiatores Bladarii & alii de diverſis Officiis & Myſteriis, &c. Par.* 1 *E.* 3. M. 13. ſeems to ſignify a Poulterer. *Pullarius.*

Pulla, Sax. *Pul.* A Pool or Lake of ſtanding Water. ——— *Trium acrarum & dimid. juxta* pullam *in terra quæ vocatur Nateland.* —— *Chartular. Abbat. Glaſton. MS. b.* 67. *a. Vid.* Mon. Angl. Tom. 1. 722.

Pullani, *i. e.* Colts; In the *Monaſticon*, 1 *Tom. p.* 321. *Dono etiam prædictis Monachis decimas* pullanorum *meorum & vitulorum & agnorum, &c.*

Pullonatus, a Colt bred in the Houſe, *Et ſi equus fuerit furto ſublatus, poterit dicere quod ei* pullonatus *fuit, & quod eum nutrivit per tantum tempus, &c.* Bracton, Lib. 3. cap. 32. Par. 5.

Pulſator, *i. e.* the Plaintiff or Actor. *Leg. H.* 1. *c.* 26. and *pulſare* is to accuſe any one.

Quiſquis vel locuples, pulchra vel conjuge notus;
Crimine pulſatur *falſo, &c.*

Pultura, *i. e.* an Examination: From *Pulſare*, which ſignifies to ask or demand; and 'tis ſo called from the *Monks*, who before they were admitted into the Monaſteries, *pulſabant ad fores*, for ſeveral Days before they entered: *Et volo ut ſint quieti de omnibus cauſis & querelis & placitis Ballivorum & Præpoſitorum hundredi, & a* pultura *ſerjanorum*, (*i. e.* the Examination of the Serjeants) & *de rewardo foreſtarum, i. e.* the Viſitation of the Foreſts. *Monaſticon*, 2 *Tom. p.* 1035.

Pulvinarium opus, for **Plumarium opus.** Monaſticon, 3 Tom. p. 317.

Pundebrech, Derived from the Sax. *Pund*, *Parcus*, and *Brech*, *fractura. Si* Pundbreech *fiat in Curia Regis plena* wyta *ſit, alibi quinque marcæ.* Leg. Hen. 1. cap. 40. It is the illegal taking of Cattel out of the Pound by any Means whatſoever.

Pundfulda, A Pound, a Pinfold——— *Omnia alia expletia de prædicto mariſco venientia inter nos æque dividantur, & ibi fiat* Pundfulda *averiorum intrantium in prædicto Mariſco* ——— *Placita anno* 1236. *inter Abbat. Glaſton. & Henr. de Hamel in Chartular. Abbat. Glaſton. MS. fol.* 42. *b.* —— *inter veterem* pundfuldam & *pratum Ricardi de Cardunvill*——Cartular. Radinges. *MS. b.* 101. *b.*

Puniata, *i. e.* an Handful: *Spelman* thinks it ought to be read *Pumata*, viz. *Lanceta qui pro ſale ierit habeat unum panem & unam* pumatam *ſalis. i. e.* an Handful of Salt.

Purfles of a Woman's Gown, From the *French* Word *Pourfiler*, 33 *H.* 8. 5. A Sort of Trimming for *Womens Gowns* then in Uſe; it was made of Tinſel or Gold Thread, and was alſo called *Paudkind-work.* So *Cambden*, Tit. *Ireland*, ſpeaks of a Mantle or Shag Rug, with a deep fringed *purfle.*

Purchaſe, (*Purchacia*, from the Fr. *Pourchaſſer*) Is to buy Lands or Tenements with one's Money, or otherwiſe gain them by one's Induſtry, contradiſtinguiſhed from that which comes to one by Deſcent from his Anceſtors. *Gaufridus de Mandevilla Comes Eſſexiæ fundator Cœnobii Sancti Jacobi Waldenſis* in Charta prima ——*Contuli, &c. omnes Eccleſias inferius annotatas, tam de Dominio meo, quam de emptis &* Purchaſiis, *&c. Joint* Purchaſe (*conjunctum perquiſitum.*) *Reg. of Writs, fol.* 143. *b.* is where two Perſons or more *join* in the *Purchaſe* of Lands.

Purchacium, Purchaſe, or pecuniary Acquiſition oppoſed to hereditary Right.———*Hæc ſunt ædificia quæ idem Abbas Glaſton. ſuo tempore eleganter per eandem Abbatiam conſummavit, & caruæ quas ſuo tempore de appruamentis &* purchacio *ſuo augmentavit.* Chartular. Abbat. Glaſton. *MS. fol* 42. *a.*

Purgation, *Purgatio*, Is the clearing a Man's ſelf of a Crime whereof he is generally ſuſpected, and of the ſame accuſed before a Judge. Of this there

there was great Uſe in *England* touching Matter of Felony, imputed to Clerks in former Times, as appeareth by *Staundf. Pl. Cor.* lib. 2. cap. 48. See *Clergy* and *Weſtm.* 1. *cap.* 2. It is ſtill obſerved for Matters pertaining to the Eccleſiaſtical Court, as Suſpicion, or common Fame of Incontinency, or ſuch like. And here note, That *Purgation* is either *Canonical*, *Canonica*, or *Vulgar*, *Vulgaris*. *Canonical* is that which is preſcribed by the *Canon Law*; the Form whereof is uſually thus in the Spiritual Court, The Man ſuſpected takes his Oath, That he is clear of the Fault objected, and brings ſo many of his honeſt Neighbours, being not above Twelve, as the Court ſhall aſſign him, to ſwear upon their Conſciences and Credulity, That he ſweareth truly. *Vulgar Purgation* was by Fire, or *Water*, or by *Combat*, uſed both by Infidels and Chriſtians, till by the Canon Law aboliſhed. But *Combat* may be ſtill practiſed by the Laws of the Realm in Cauſes doubtful; and where there is a want of Evidence, or other Proof, if the Defendant chuſe rather the *Combat* than other Trial. See *Ordel* and *Combat*. See *Suthdure*.

Purgire mulierem, *i. e.* To defile a Woman.

Purificatio beatæ Mariæ Virginis, *Anno* 32 *H.* 8. *c.* 21. See *Candlemas*.

Purlieu Man, Is he that hath Ground within the *Purlieu*, and being able to diſpend Forty Shillings by the Year of Freehold, is upon theſe two Points licenſed to hunt in his own *Purlieu*. *Manwood's Foreſt Law*, *p.* 151, 157. But what he muſt obſerve in his hunting, ſee the ſame *Page* 180, 181, 186. and *cap.* 20. *num.* 5, 8, 9, &c. See *Purlieu*.

Purlue or Purlieu, From the French *Pur*, i. *purus*, and *Lieu*, *locus*, is all that Ground near any Foreſt, which being made Foreſt by *Henry* the Second, *Richard* the Firſt, or King *John*, was, by Perambulation, granted by King *Henry* the Third, ſevered again from the ſame, and became *Purlieu*, *i. e.* pure and free from the Laws and Ordinances of the Foreſt. *Manwood's Foreſt Laws*, *cap.* 20. And he calleth this Ground either *pourallee*, i. *perambulationem*, or *purliu*, *purluy*, which he ſaith, are Miſtaken for *pourallee*, *ibid. num.* 3. And with our firſt Derivation it may conſiſt, becauſe ſuch Things as were by thoſe forementioned Kings ſubjected to the Laws and Ordinances of the Foreſt, are now cleared and freed from the ſame. And as the *Civilians* call that *purum locum*, *qui ſepulchrorum Religioni non eſt obſtrictus*; ſo our Anceſtors called this *purlieu*, i. *purum locum*, becauſe it was exempted from that Servitude that was formerly laid upon it. And whereas *Manwood* and *Crompton* call it *Pourallee*, we may derive it from *pur*, *purus*, and *allee*, *ambulatio*, becauſe he that walketh or courſeth within that Circuit, is not liable to the Laws or Penalties incurred by them which hunt within the Precincts of the Foreſt. See the Statute 33 *Edw.* 1. *Stat.* 5.

Purpars, Fr. *Pourpart*, *pro parte*. *Purparty*, That Part or Share of an Eſtate, which being firſt held in common by Copartners, is by Partition allotted to any of them. ——— *Inquiſitio de hæreditate Margaretæ & Elizabethæ*——— *liberes habenda in* purpartem *ipſius Elizabethæ*.———Paroch. Antiquit. *p.* 502.

Purpartium, The ſame with *Prepars* and *Propertia*, in the Monaſticon, 1 Tom. p. 847. *Qui quidem Richardus*, *quia vir animoſus erat*, *intravit in* Purpartium *matris ſuæ*, &c.

Purpreſture, *Purpreſtura*, From the French *Pourprendre*, i. *integre arripere*, is properly *ſubtractio clandeſtina terræ alienæ*, *ejuſdemque vicinæ aſcriptio*. See *Skene de verbor. ſignif. verbo* Perpreſture, and ſee *Pourpreſture*.

Purpriſum, French *Pourpris*, a Cloſe or Encloſure, alſo the whole Compaſs of a Manor. ——— *Donavi eis meum* Purpriſum *de Kirkeham & domos meas*, &c. Carta Walteri Eſpec Priorat. de Kirkeham in Mon. Ang. 2. par. *f.* 1. 36. *n.* 40.

Purpurati, *i. e.* the Sons of Emperors and Kings. *Neubrigenſis*, *Lib.* 3. *cap.* 4. *Malmsbury*, *lib.* 3.

Purrel, 25 *Eliz. cap.* 10. A Liſt ordained to be made at the End of Kerſies, to prevent Deceit in diminiſhing their Length.

Purſep, A Term among Clothiers. 43 *El.* 10. See *Rewey*.

Purſuivant. See *Pourſuivant*.

Purveyance. See *Pourveyance*.

Purveyors. See *Pourveyors*.

Purview, (Fr. *Pourveu*, a Patent, Gift, Grant). Sir *Edward Coke* often uſes it in his Works (how properly I know not) for the Body, or that Part of an Act of Parliament which begins with *Be it Enacted*——*The Stat. of* 3 H. 7. *ſtands upon a Preamble and a* Purview, 12 *Rep. f.* 20. and 2 *Inſt. fol.* 403.

Putacius, a Sort of Cats, whoſe Skins were uſed to line Garments: 'Tis mentioned in *Giraldus*, and in *Brompton*: *Caret herminis*, *caret* putaciis, &c.

Putage, Putagium, *Fornicatio ex parte fœminæ*, *quod vox nulla Latina exprimit*, *quaſi* Puttam agere; from the French *Puttee*, or the Italian *Putta*, i. *meretrix*. This Crime was ſo odious amongſt our Anceſtors, that if any Heir-Female under Guardianſhip were guilty thereof, they forfeited their Part to their Co-heirs; or if ſhe were an only Heireſs, the Lord of the Fee took it by Eſcheat. *Spelman*. *Quod autem generaliter ſolet dici* putagium *hæreditatem non adimit*, *illud intelligendum eſt de* putagio *matris*; *quia filius hæres legitimus eſt*, *quem nuptiæ demonſtrant*. Glanvile, lib. 7. cap. 12.

Putative, Reputed, or commonly eſteemed, in Oppoſition to notorious and unqueſtionable. ——— *Pater pueri putativus*, i. e. The reputed Father of the Child. *Jo. Brompton*, p. 909.

Puteus, A Pit: In former Times the *Scots* were wont to hang Men Delinquents, and to caſt the Women Offenders into a Pit full of Water to drown; and 'tis a Wonder, this Puniſhment, or Execution, is not found among the *Britains*, or rather *Engliſh Saxons*, ſince 'tis evidently met with among the *Germans*, from whence they came, as appears by *Tacitus*, in his Book *De German. moribus*, where he ſays, *Proditores tranſfugas arboribus ſuſpendunt*, *ignavos & imbelles & corpore infames*, (i. *fornicantes*) *cæno ac palude*, *injecta inſuper crate mergunt*, pag. 484.

Putta, A Pit, which in the broad Country Tone is ſtill called a *Putt*. ———*Una acra in Crocwell furlung quæ jacet ad* puttam *inter terram Johannis le Palmer*, &c. Paroch. Antiquit. *p.* 186. Stane-Puttes *for Stone-Pits*, ib. p. 397.

Putura, A Cuſtom claimed by Keepers, in Foreſts, and ſometimes by Bailiffs of Hundreds, to take Man's Meat, Horſe Meat and Dog's Meat, of the Tenants *gratis*, within the Perambulation of

of the Forest, or Liberty of the Hundred. *Communia de* Anno 16 E. 1. Ter. Pasch. Rot. 10. in Dorso. *Rex mandat Baronibus quod allocent* Roberto *de* Chadworth *Vic. Linc.* 56 s. 7 d. *quos per præceptum Regis liberavit Jo. de Bellevento pro* Putura *septem leporariorum & trium falconum & Alanerarium, &c. viz. pro* Putura *cujuslibet leporarii & falconis per diem* 1 d. ob. *& pro vadiis, &c.* Plac. Coron. in Com. Ebor. 21 Ed. Rot. 21. —— *In libertate de* Knaresburgh *præsentatur, quod parcarii Comitis Cornubiæ percipient* Puturam *suam, viz. bis comedendo in die vel capiendo pro* Putura *sua* 2 d. *de tenentibus in diversis villis ibidem nominatis, sed nunc fecit dictus Comes ipsas villatas solvere* 3 d. *pro* Putura. Putura *in Chasia de Bowland.* 4 *Inst.* 307.

Per Puturam servient: *Johannes Stanley Ar. clamat habere de quolibet tenente, aliquam terram vocatam* Ould Oxgang Lands *possidente, qualibet sexta septimana victum prout Paterfamilias residens super hujusmodi terram habuerit.* Pl. in Itin. apud Cestriam. 14 H. 7. And the Land subject to this Custom, is called *Terra puturata* Pla. apud Cestr. 31 E. 3. In the *North* of *England*, *Putura Serjantia* was anciently called *Serjant Floyd.* —— *Quils soiens quites de la* Poture, *& de les choses que les Foresters lour demandent, &c.* Ord. Forestæ. 33 Edw. 1. The learned *Somner* in his *Gloss.* upon *x Scriptores* err'd in his Exposition of this Word. *Bernadus non videt omnia.*

Placita apud Preston, 17 *Ed.* 3. coram Willielmo de Shareshull, Rogero de Hungerford, Henrico de Hungerford, Henrico de Hanbury, Simone de Pakeman, & Rogero de Hillary.

JOhannes de *Radcliffe, Seneschallus libertatis de* Penwortham *attachiatus fuit ad respondendum Abbati de Evesham de placito, &c. Johannes clamat unam* Puturam *in Prioratu de* Penwortham, *qui est quædam Cella Abbatiæ de Evesham, pro se & Ministris, equis & garcionibus suis, per unum diem & duas noctes, de tribus septimanis in tres septimanas, viz. de victualibus, ut in esculentis, & poculentis, ad custus Prioratus prædicti, indebite.*

Rog. de Wellesburne tenet medietatem unius hidæ terræ in Tachebroke —— & veniet ad magnam precariam in Autumpno cum omnibus messoribus suis ad Puturam *Domini bis in die* —— E Codice quodam, nuncupato, The Black Book of *Litchfield.* See *Bracenarius.*

Putura in some Authors signifies a Beam. *Comparavit etiam* Puturam *pulpiti in Ecclesia & gabuli in refectorio.* Thorn, 1267.

Pyker alias Pycar, A Kind of Ship spoken of 31 *E.* 3. *Stat.* 2. *cap.* 2.

Pyrate. See *Pirate.*

Pyrewinkes. *Johannes Masham & Thomas* Bote *de Bury die Lunæ proxime ante Festum Apostolorum Simonis & Judæ, Anno Regni Henrici quarti post conquestum tertio, malitia & conspiratione inter eos inde præhabitis quendam Robertum Smyth de Bury ——ceperunt infra prædictam villam, & ipsum infra domum dicti Johannis Masham in ferro posuerunt —— & cum cordis ligaverunt & super pollices ipsius Roberti quoddam instrumentum vocatum* Pyrewinkes *ita stricte & dure posuerunt quod sanguis exivit de digitis illius —— Ex Cartular. Abbatiæ Sancti Edmundi.* MS. f. 341.

Q.

QUadragesima Sunday Is the first *Sunday* in *Lent*, so called, because it is about the Fortieth Day before *Easter:* The Three preceding *Sundays* are, *Quinquagesima*, *Sexagesima*, and *Septuagesima*; all which see in their proper Places.

Quadragesimalia, *Denarii Quadragesimales.* In the former Days of Superstition, it was the Custom for People to visit their Mother-Church on *Midlent-Sunday*, and to make their Offerings at the high Altar; as the like Devotion was again observed in *Whitsun-week.* But as the Processions and Oblations at *Whitsuntide* were sometimes commuted into a rated Payment of Pentecostals, or *Whitsun-farthings*, so likewise the *Lent* Devotion was changed into a customary Rate called *Quadragesimalia*, and *Denarii Quadragesimales*, and sometimes *Lætare Jerusalem*, because that Hymn was sung on *Midlent-Sunday.* It is farther observable, That the now remaining Practice of *Mothering*, or going to visit Parents upon *Midlent-Sunday*, is really owing to that good old Custom. Nay it seems to be called *Mothering* from the Respect so paid to the Mother-Church, when the Epistle for the Day was with some Allusion. *Galat.* 4. 21. *Jerusalem Mater omnium*; which Epistle for *Midlent-Sunday* we still retain, tho' we have forgot the Occasion of it.

Quadrans, A Farthing, a fourth Part of a Penny. Observe, That before the Reign of *Ed.* 1. the smallest Coin was a Sterling or Penny, marked with a Cross or Traverse Strokes, by the Guidance whereof a Penny upon Occasion might be cut in Halves for a Half-Penny, or into Quarters for Farthings, or fourth Parts: Till to avoid the Fraud of unequally cutting, King *Ed.* 1. coined Half-pence and Farthings in round distinct Pieces. See *Matth. Westminster* sub anno 1279.

Quadrantata terræ Is the fourth Part of an Acre. See *Denariata terræ* and *Obolata.* Item *Fardel of Land.*

Quadrarium, A Quarry or Stone-Pit —— *Concessi eisdem liberam viam ultra pasturam meam de* quadrario *suo usque ad prædictam ripam ad stagnum dicti molendini emendandum.* Paroch. Antiq. *p.* 208. Hence the old Word a *Querrour*, or Digger of Stones. The Word was originally *Carrarium*, *Carraria.* Hence the *Irish* retain the primitive Word a *Carrie*, and the *French un Carrier.*

Quadrelli, A Sort of Bullets used in great Guns for battering Walls: In *Matt. Paris. p.* 592. they are called *Quarelli*; they were short thick and square, and from thence they were called *Quadrelli.*

Nec tamen interea cessat balista vel arcus,
Quadrellos *hæc multiplicat, pluit ille sagittas.*

Quadrivium, The Center of Four Ways, or where Four Roads meet and cross each other. Hence *Cairfax* in *Oxford.* It is called the *Wence*, and Four *Wence* in *Kent.*

Quadrugata terræ, a Teem-Land: *Quæ quatuor equis agitur.——Willielmus Prior de Tuttebur, & omnes Monachi ejusdem loci concesserunt Ormo de Acouere & hæredibus suis unam* Quadrugatam terræ *quæ attinet ad Man. de Malefeld solam & quietam sicut tenuit in diebus Henr. de Ferr, &c. pro octo sol. redd.*

per

per ann. ad Feſtum S. Martini, &c. Sine dat. MS. Will. Dugdale Ar.

Quæ ſervitia Is a Writ. See *Per quæ ſervitia.*

Quæ plura Was a Writ that lay where an Inquiſition had been made by an Eſcheator in any County, of ſuch Lands or Tenements as any Man died ſeized of, and all that was in his Poſſeſſion was imagined not to be found by the Office; the Form whereof ſee in *Reg. Orig. fol.* 293. and in *F. N. B. fol.* 255. It differs from the Writ called *Melius inquirendum*, according to the ſame *Fitzherbert*, becauſe this is granted, where the Eſcheator formerly proceeded by Virtue of his Office; and the other, where he found the firſt Office by Virtue of the Writ named *Diem clauſit extremum.* See the *New Book of Entries*, verbo *Quæ plura.* The Form ſee in *Reg. of Writs. fol.* 293. and in *Fitz. Nat. Br. f.* 255. This Writ is now made uſeleſs by taking away the Court of Wards and Offices *poſt mortem. Anno* 12 *Car.* 2. *c.* 24.

Quælta, An Indulgence, or Remiſſion of Penance, expoſed to Sale by the Popes of *Rome*, who by this Craft had their great Gain; the Retailers of them were called *Quæſtuarii.*——*Circa* quæſtuarios *Pradicatores* —— *habent Brevia quæ relinquunt in ſingulis Parochiis in quibus continentur tot indulgentiæ.*——*emant illas* quæſtas *pro modico pretio*— Opus Tripartitum *apud* Faſcic. *Rerum. Append. pag.* 227. So *Quæſtionarii* in *Matth. Weſtminſter* ſub anno 1240.

Querens non invenit vlegium Is a Return made by the Sheriff upon a Writ directed to him, with this Condition inſerted, *Si* A. *fecerit* B. *ſecurum de clamore ſuo proſequendo.* F. N. B. *fol.* 38.

Quæſtionarii Were thoſe who carried Indulgences from Door to Door, deſiring Charity either for themſelves on others. *Matth. Weſtm. Anno* 1240. tells us, that the King *terram ſuam per papales* Quæſtionarios *depauperari, &c. permittit.*

Quæſtus Is that which a Man hath by Purchaſe, as *hæreditas* is what he hath by Deſcent: 'Tis ſo in *Glanvile, lib.* 7. *cap.* 1. *Aut habet hæreditatem tantum, vel* quæſtum *tantum, aut hæreditatem &* quæſtum.

Quale jus Was a Writ judicial, that lay where a Man of Religion had Judgment to recover Land, before Execution was made of the Judgment; for this Writ did go forth to the Eſcheator, between Judgment and Execution, to inquire whether the religious Perſon had any Right to recover, or whether the Judgment was obtained by Colluſion between the Demandant and the Tenant, to the Intent, that the true Lord were not defrauded. See *Weſtm.* 2. *cap.* 32. The Form of this *Writ* you have *Reg. Judic. fol.* 8, 16, 17, & 46. And in the *Old. Nat. Brev. fol.* 161. See the *New Book of Entries*, verb. *Quale jus.*

Quam diu ſe bene geſſerit Is a Clauſe often uſed in Letters Patent of the Grant of Offices, as in thoſe to the *Barons of the Exchequer*, which muſt be intended only as to Matters concerning their Office; and is nothing but what the Law would have implied, if the Office had been granted for Life. *Co.* 4 *Inſt. fol.* 117.

Quantum meruit, That is, How much he has deſerved, Is an Action of the Caſe ſo called, grounded upon a Promiſe to pay a Man for doing any Thing, ſo much as he ſhould deſerve or *merit.*

Quarantine. See *Quarentine.*

Quare ejecit infra terminum Is a Writ that lieth for a Leſſee, where he is caſt out of his Farm before his Term be expired, againſt the Feoffee or Leſſor that ejected him: And it differs from the *Ejectione firmæ*, becauſe this lies where the Leſſor, after the Leaſe made, infeoffeth another, which ejecteth the Leſſee: And the *Ejectione firmæ* lieth againſt any other Stranger that ejects him. But the Effect of both is all one, that is, to recover the Reſidue of the Term. *F. N. B. fol.* 197. *Reg. Orig. fol.* 227. and the *New Book of Entries*, verbo *Quare ejecit infra terminum.*

Quare Impedit Is a Writ that lies for him that hath purchaſed a Manor, with an Advowſon thereto belonging, againſt him that diſturbs him in the Right of his Advowſon, by preſenting a Clerk thereto when the Church is void: And it differs from the Writ called a *Darreine Preſentment, Aſſiſa ultimæ præſentationis*, becauſe that lies where a Man, or his Anceſtors, formerly preſented; and this for him that is the Purchaſer himſelf. See the *Expoſitor of the Terms of the Law. Old Nat. Brev. fol.* 27. *Bract. lib.* 4. *tract.* 2. *cap.* 6. *Britton, c.* 92. and *F. N. B. f.* 32. and *Reg. Orig. f.* 30. And here note, That where a Man may have an Aſſiſe of *Darrein Preſentment*, he may have a *Quare Impedit*, but not contrariwiſe. See the *New Book of Entries* on this Writ. *Bract. lib.* 4. *Tract.* 2. *c.* 6. *F. N. B. fol.* 30. and *Weſtm.* 2. *cap.* 5.

Quare incumbravit Is a Writ that lieth againſt the Biſhop, who, within ſix Months after the Vacation of a Benefice, conferreth it upon his Clerk, while Two others are contending in Law for the Right of preſenting. And here note, This Writ always lies depending the Plea. *Old Nat. Brev. f.* 30. *F. N. B. g.* 48. and *Reg. Orig. f.* 32.

Quare intruſit matrimonio non ſatisfacto Is a Writ that lay for the Lord againſt his Tenant being his Ward, who after convenable Marriage offered him, marries another, and enters nevertheleſs upon his Land, without Agreement firſt made with his Lord and Guardian. But all Wardſhips being taken away by the Statute 12 *Car.* 2. *cap.* 24. this Writ is become uſeleſs.

Quare non admiſit Is a Writ that lies againſt a Biſhop, refuſing to admit his Clerk that hath recovered in a Plea of *Advowſon.* F. N. B. *f.* 47. and *Reg. Orig. f.* 32. See the *New Book of Entries*, verbo *Quare non admiſit.*

Quare non permittit Is a Writ that lies for one that has Right to preſent for a Turn againſt the Proprietary. *Fleta, lib.* 5. *cap.* 6.

Quarel, *Querela, a querendo*, and extends not only to Actions perſonal, but alſo to mixt, and the Plaintiff in them is called *Querens*, and in the moſt of the Writs it is ſaid *Queritur*; ſo that if a Man releaſe all *Quarels*, (a Man's Deed being taken moſt ſtrongly againſt himſelf) it is as beneficial as all Actions, for by it all Actions real and perſonal are releaſed. *Co. lib.* 8. *fol.* 153. and *Co.* on *Lit. lib.* 3. *c.* 8. *ſect.* 511.

Quarentine, *Quarentina*, Is a Benefit allowed by the Law of *England* to the Widow of a Man dying ſeized of Land, whereby ſhe may challenge to continue in his capital Meſſuage, or chief

chief Manſion-houſe, (ſo it be not a Caſtle) by the Space of Forty Days after his Deceaſe. *Bracton, l. 2. c. 40.* And if the Heir, or any other attempt to eject her, ſhe may have the Writ *De quarentina habenda.* F. N. B. f. 161. *Maneat vidua in Capitali Meſſuagio mariti ſui per quadraginta dies poſt obitum mariti ſui, infra quos dies aſſignetur ei dos, niſi prius aſſignata fuerit, vel niſi domus illa ſit caſtrum.* Magna Charta, c. 7. See *Britton, c.* 103. and *Fleta*, lib. 5. cap. 23. *Skene de verborum ſignif.* verb. *Quarentena viduarum*, derives this Word from the French *Quareſme*; who alſo have this Cuſtom called *La quareſme des veſues*, granted to Widows after the Deceaſe of their Husbands. *Quarentene* alſo ſignifies a Furlong, being a Quantity of Land containing Forty Perches, and ſo haply derived from the French *Quarente*, Forty. In a Charter of *Withlafe*, King of the *Mercians*, mentioned by *Ingulphus*, we have theſe Words.—— *Quatuor carucatas terræ arabilis continentes in longitudine* 8. quarentenas, & 8. quarentenas *in latitudine. Quarentine* is alſo the Space of Forty Days, wherein any Perſon, coming from Foreign Parts, infected with the Plague, is not permitted to land, or come on Shore, until ſo many Days are expired.

Quarentina habenda Is a Writ that lies for a Widow to enjoy her *Quarentine. Reg. Orig. fol.* 175.

Quare obſtrurit Is a Writ that lies for him, who having a Liberty to paſs through his Neighbour's Ground, cannot enjoy his Right, for that the Owner has ſo ſtrengthened it. *Fleta*, lib. 4. c. 26 ſect. *Item ſi minus.*

Quareria and **Quarera**, a Quarry of Stone. ——*Præterea dedi eis Turbariam, & Petrariam &* Quareriam, *ubicunque invenire poterint in territorio villæ de Hepp, &c.* Mon. Ang. Par. 2. fol. 595. b. —— *In toto illo boſco cum* Querera *in illo contenta, una cum quadam placea boſci, quæ vocatur*, &c. Reg. Prior. de Wormeſly, *fol.* 43.

Quartelois, Snrtoots or Upper-Garments, with Coats of Arms quartered on them, the old Habit of our *Engliſh* Knights, in their military Expeditions. —— *Milites quidem ſuper armatura cotucas induerunt vocatas* quartelois: *Armigeri vero indumenta bendas habuerunt.* Tho. Walſingham *in* Ed. 2. *p.* 114. See *Cotuca.*

Quarter, *Quarterium*, Eight Buſhels ſtriked make the Quarter of Corn. *Anno* 15 *Rich.* 2. *cap.* 4.

Quarteriſor, To be *quartered*, or cut into Four *Quarters* in Execution. —— *Fecit decollari & membratim dividi, &* quarteriſari, *& caput & ejus* quarterias *ad regni certas civitates tranſmitti juſſit.* Artic. Richardi Scrope Archiep. Ebor. apud. Angl. Sacr. P. 2. *p.* 266.

Quarterium Is a Meaſure of Corn, conſiſting of Eight Buſhels. *Fleta, lib. 2. c.* 12. Quarterium *frumenti conſtat ex octo Buſſellis.*

Quarterium Anni Is the fourth Part of a Year. *Matt. Weſtm. Anno* 1259. *Decimas de Ringeldon, &c. ſequeſtravit, & per unum fere* Quarterium Anni *intactas retinuit.*

Quarterizatio Is Part of the Puniſhment of a Traitor, by dividing his Body into Four Parts. *Walſingham* in R. 2. *Auditum & confeſſum turpiſſima ſcelera, tractioni, ſuſpendio, decollationi, exenterationi &* quarterizationi, *ut uſu vulgari loquar, adjudicavit.*

Quarter-Seſſions Is a Court held by the Juſtices of Peace in every County once every *Quarter* of a Year. How far the Juriſdiction thereof extendeth, ſee *Lamb. Eiren. lib.* 4. and *Smith de Repub. Anglor. lib. 2. cap.* 19. To which you may add the ſeveral Statutes of this Realm, by which its Power is greatly increaſed: Originally it ſeems to have been erected only for Matters touching the Peace, but now it extends much farther. The holding theſe *Seſſions quarterly*, was firſt ordained by the Statute 25 *Ed.* 3. *Stat.* 1. *c.* 8.

Quartilatus Is a Word uſed in Heraldry, and ſignifies *quartering of Arms*, or dividing them into Four Parts. *Knighton, Anno* 1347. *Vexilla Regis Angliæ* quartilata *de armis Angliæ & Franciæ elevantes.*

Quaſh, *Quaſſare*, Cometh of the *French* Word *Quaſſer*, id eſt, *caſſum facere*, to overthrow or annul. *Bracton*, l. 5. tract. 2. c. 3. nu. 4. *As if the Bailiff of a Liberty return any out of his Franchiſe, the Array ſhall be* quaſhed. And *Co.* on *Lit. fol.* 156. *An Array returned by one that hath no Franchiſe ſhall be* quaſhed.

Quaſt modo Sunday, *Low Sunday*, or the next after *Faſter*, anciently ſo called from the firſt Words of the *Introit* or *Hymn* for Maſs on that Day. It occurs often in the Date of old Records. —— *Carta Gilberti Prioris de Eynſham Priori de Sherburn dat. poſtridie Peſti* Quaſi modo geniti, *Anno* 1255. This ſolemn Time in ſome Deeds was expreſſed by the initial Letters, *Q. M. S.*

Quaternio, *Quaternus*, A Book, or Volume, properly in *Quarto*, or with each Sheet folded into Four Leaves.—— *Anſelmus præcepit quatenus* quaterniones *in quibus ipſum opus conjeceram, deſtrue penitus rem——notatis verbis ejus* quaterniones *ipſos deſtruxi, iis quibus ſcripti erant aliis* quaternionibus *primo inſcriptis.* Eadmeri *Liber de vita Anſelmi apud* Whartoni *Angl. Sacr. P. 2. pag.* 182.—— *Cum Evangelio Johannis manibus propriis ſcribendo operam daret.—— ad Eccleſiam nec clauſo* quaterno *nec folio completo feſtinavit.* Girald. Cambren. *ibid. pag.* 635.

Plurima hic præſul patravit ſigna ſtupendis,
Quæ nunc in chartis ſcribuntur rite quadratis.

So in *Petrus Bleſenſis Epiſt.* 19. *Quinque hujus novi operis* quaternos *mitto.*

Quaterynies of Wines; Fr. *Quatrieſme*, a fourth Part, it being a Tax of the fourth Penny for all *Wines* retailed.

Quecborde, *Anno* 17 *E.* 4. *c.* 2. A kind of Game prohibited by the ſame Statute. Perchance the ſame with that we now call *Shovel-board:* And it may be *Quecborde* quaſi *Quickbord*, becauſe the Pieces wherewith they play run upon the Table with great Celerity.

Queen, (*Regina*) Is either ſhe that holds the Crown of this Realm by Right of Blood, or ſhe that is married to the King, which laſt is called *Queen Conſort.* In the former Signification, ſhe is in all Conſtruction the ſame that the King is, and has the ſame Power in all Reſpects: In the later ſhe is Inferior, and a Perſon exempt from the King; for ſhe may ſue, and be ſued in her own Name: Yet what ſhe hath is the King's, and what ſhe loſeth the King loſeth. *Staundf. Prærog. cap. 2. fol.* 10. and *Coke, lib.* 4. Copyhold Caſes, *fol.* 23. *b.* The Word is derived from the Saxon *Cwen*, i. e. *uxor*, or the Wife of any one, but *propter excellentiam* the Wife of the King only, and therefore ſhe was anciently called the King's

Queen; for the *West-Saxons* had no other Name for a *Queen* than the King's Wife. *Asser de Ælfredi rebus, &c. pag.* 3. Matt. Westm. *Anno* 854.

She was also called Lady from the Sax. *Hlæfdia*, as may be seen in several *Saxon* Charters, and particularly in Two of *Queen Edyth*, which are now in the Church of *Wells*, *viz. Edyth*, the Lady to great Earl *Harold* my Brother; and in *Huntingdon*, *Lib.* 5. *Edelfleda Merciæ Domina Rex vocatur, ad laudem & excellentiam mirificationis suæ.*

O Elfleda potens, O terror virgo virorum,
Victrix naturæ, nomine digna viri.

Queen-Gold, (*Aurum Reginæ*) Is a Royal Duty or Revenue belonging to every *Queen-Consort*, during her Marriage to the King of *England*, both by Law, Custom and Prescription, payable by sundry Persons in *England* and *Ireland*, (upon divers Grants of the King) by way of Fine or Oblation, amounting to Ten Marks or upwards; to wit one full tenth Part above the entire *Fine*, as Ten Pounds for every Hundred Pounds *Fine*, upon Pardons, Contracts or Agreements; which becomes a real Debt and Duty to the *Queen*, by the Name of *Aurum Reginæ*, upon the Party's bare Agreement with the King for his *Fine*, and recording it, without any Promise or Contract for this tenth Part exceeding it. *Lib. Nig. Scac. pag.* 43, 44. *Coke's* 12 *Rep. fol.* 21, 22. and *Pryn's Tractate* on this Subject, *per tot.*

Que Estate, Translated *verbatim*, signifies *Quem statum:* In our common Law it is a Plea, whereby a Man intitling another to Land, *&c.* saith, That the same *Estate* he had, he hath from him: For Example, in a *Quare Impedit*, the Plaintiff alledges, That such Four Persons were seized of Lands whereunto the Advowson in Question was appendant in Fee, and did present to the Church, and afterward the Church became void *que estate del, &c.* that is, *which Estate* of the Four Persons he has now during the Vacation, by Virtue whereof he presented, *&c. Bro.* Tit. *Que Estate*, f. 175, 176. *New Book of Entries.* verb. *Que Estate*, and *Co.* on *Lit. fol.* 121.

Que est mesme Signifies *Verbatim*, *Which is the same Thing*, but is used in a legal Sense as a Word of Art in an Action of Trespass, or such like, for a positive Justification of the very Act complained of by the Plaintiff as a Wrong. For Example, in an Action upon the Case, the Plaintiff says, That the Lord threatned his Tenants at Will in such sort, that he forced them to give up their Tenures. The Lord for his Defence pleadeth, That he said unto them, That if they would not depart, he would sue them at Law: This being the same threatning that he used, or to speak artificially, *que est le mesme*, the Defence is good. Of this, see *Kitchin*, cap. *Que est le mesme*, fol. 236.

Quem reddítum reddat Is a Writ Judicial, that lies for him to whom a Rent-seck or Rent-charge is granted, by *Fine* levied in the King's Court against the Tenant of the Land that refuseth to attorn to him, thereby to cause to attorn. *Old Nat. Brev. fol.* 126. *West Symbol.* part 2. Tit. *Fines*, sect. 156. and the *New Book of Entries*, verb. *Quem redditum reddit.*

Querela, An Action preferred in any Court of Justice, in which the Plaintiff was *Querens* or Complainant, and his Brief, Complaint or Declaration, was *Querela*, whence our *Quarrel* against any Person. *Quietos esse a querelis* was to be exempted from the customary Fees paid to the King or Lord of a Court, for the Purchase of Liberty to prefer such an Action. But more usually to be exempted from Fines and Amercements, imposed for common Trespasses and Defaults. So King *Henry* 2. to *Bernard de S. Walery* —— *terræ suæ sint quietæ de omnibus placitis & querelis exceptis murdredo & latrocinio.* Paroch. Antiquit. *pag.* 123. See Mr. *Kennet's* Glossary.

Querela fractæ fortiæ Is a Writ of *fresh Force*. See *fresh Force*.

Querela coram Rege & concilio discutienda & terminanda, Is a Writ whereby one is called to justify a Complaint of a Trespass made to the King himself, before the King and his Council. *Reg. Orig. f.* 124.

Querista, *Choristæ*, a Chorister, Querister, or Boy that sings in the Quire. —— *In secundo vero gradu subtus stent Vicarii, Diaconi*——*item in tertia forma pueros & queristas præcipimus collocari.*—— *Prynn Collect. Tom.* 3. *p.* 327.

Questa, A *Quest*, or Inquest, Inquisition or Enquiry upon the Oaths of an impanelled Jury. ——*Nec regnaverunt in diebus suis Perjuratores in* questis *& assisis sicut nunc.* Joh. Capgrave *de vita* Hen. Spenser *Episc. Norwic. apud* Angl. Sacr. *P.* 2. *pag.* 360.

Questus, Or rather **Quæstus**, A *quæro*, to seek or get, is taken for that Land which does not descend to us by Hereditary Right, but is gained by our own Labour and Industry; this we call *Purchased Lands.* In Lib. *Ranus* sub *Stephano Rege conscript.* sect. 140. sub Tit. *Quæstus Ædnothi qui floruit tempore Reg. Æthelredi*, We read thus, *Erat illis diebus quidam* Ælfstanus *habens duas hidas apud* Stapleford, *quas frater* Ædnothus *numeratis eidem centum solidis argenti, reliquis* questibus *suis in possessionem Ecclesiæ Remensis adjunxit.* Glanvile, *lib.* 7. *cap.* 1. speaking of Lands, saith, *Aut habet hæreditatem tantum, aut* questum *tantum, aut hæreditatem &* questum.

Questus est nobis Is the Form of a Writ of *Nusance*, which by the Statute 13 *E.* 1. *cap.* 24. lies against him to whom the House, or other Thing that breeds the *Nusance*, is alienated, whereas before the *Statute*, this Action lay only against him that first levied the Thing to the Annoyance of his Neighbour. See the *said Statute.*

Quia improbide Seems to be a *Supersedeas* granted in the Behalf of a Clerk of the Chancery, sued against the Privilege of that Court in the Common Pleas, and pursued to the *Exigent*, or in many other Cases where a Writ is erroneously sued. See *Dyer, f.* 33. *n.* 18.

Quid juris clamat Is a Writ Judicial, issuing out of the Record of the *Fine*, which remaineth with the *Custos brevium* of the Common Pleas, before it be engrossed; and it lies for the Grantee of a Reversion or Remainder, when the particular Tenant will not attorn. *West Symbol.* part 2. Tit. *Fines*, sect. 118. *Reg. Judic.* 36, 57. and the *New Book of Entries* on this Writ.

Quid pro quo Signifies *verbatim*, what for what, and is an artificial Speech, signifying as much as the Greek συνάλλαγμα among the *Civilians*, which is a reciprocal Performance of both Parties to a Contract; and thereupon the giving of one Thing of a Value, for another Thing of like

like Value, as 10 *li.* for a Horſe, &c. *Kitchin, fol.* 184.

Quietantia Aſſiſarum ſuper Aſſiſam.—*Per hæc verba* Johannes Stanley *clamat quod ipſe & tenentes & reſidentes ſui non ponantur in* Aſſiſis, *Jurat. nec magnis* Aſſiſis. Plac. in Itin. apud *Ceſtr.* 14 *H.* 7.

Quietantia ſectæ, Hundredi & Wichmote.—*Per hæc verba* Johannes Stanley *Arm. clamat quod ipſe & tenentes ſui non teneantur venire ad curiam iſtam.* Plac. ubi ſupra. See *Acquietantia.*

Quietantia, *Acquietantia,* A Quittance, Acquittance, or teſtimonial of Receipt.

Quietare, To quit, acquit, or diſcharge, or ſave harmleſs. The common Form in old Deeds of Donation or other Conveyance. ——*De prædictis Nos & hæredes Noſtri* quietabimus *dictos, &c.*

Quiete clamare, To quit claim, or renounce all Pretenſion of Right and Title. *Quieta clamatio,* Such Quit-claim or Act of Renunciation. *De una virgata terræ in* Mixebury —— *Richardus & Aldreda remiſerunt & quiete clamaverunt de ſe & hæredibus Aldredæ prædicto Abbati (de Oſenei) & Succeſſoribus ſuis*——*pro hac autem remiſſione* quiete clamatione & *concordia idem Abbas dedit* —— *xxx ſol.* ——Paroch. Antiq. *p.* 220.

Quietus, *Quiet,* freed, acquitted, Is a Word uſed by the Clerk of the Pipe, and Auditors in the Exchequer, in their Acquittances or Diſcharges given to Accountants; uſually concluding with an *abinde receſſit quietus,* which is called a *Quietus eſt,* and mentioned in the Act *Of General Pardon.* 12 *Car.* 2. 11. and 14 *Car.* 2. *cap.* 21. A *Quietus eſt* granted to the Sheriff, ſhall diſcharge him of all Accounts due to the King. 21 *Jac. cap.* 5.

Quietus reddituS A Rent-quit, or ſmall Acknowledgment paid in Money, ſo called becauſe ſuch Payment did acquit the Tenant from all other Service or Duties to the Lord. It was ſometime called *White-Rent,* becauſe paid in Silver, or ready Money. See *Quit-Rent.*

Quinquageſima Sunday Is that we call *Shrove-Sunday,* and was ſo named, becauſe it is about the Fiftieth Day before *Eaſter.* The Reaſon of the Name you may find in *Durandi rationali Divinorum, capit. de* quinquageſima; and we mention it here, becauſe they are frequently ſpoken of in our ancient Law Writers, as *Britton,* 33. and divers others.

Quinque Portus, The Cinque Ports; which are, 1. *Haſtings,* 2. *Romney,* 3. *Hythe,* 4. *Dover,* and 5. *Sandwich.* To the firſt, *Winchelſea* and *Rye* belong, which are reckoned as Part, or Members of the Cinque Ports. —— *Servitium quod Barones* Quinque Portuum *præſcriptorum recognoſcunt facere ad ſummonitionem Regis per Annum, ſi contigerit per* 15 *dies ad cuſtum eorum proprium; ita quod primus dies computatur a die quo vela navium erexerunt, uſque partes ad quas tendere debent, vel ulterius quamdiu Rex voluerit ad cuſtum ejus.* See *Cinque Ports.*

Cambden tells us, that *Kent* is accounted the *Key* of *England,* and that *William* the Conqueror was the firſt who made a Conſtable of *Dover* Caſtle, and a Warden of the Cinque Ports, which he did to bring that County under a ſtricter Subjection to his Government; but King *John* was the firſt who granted the Privileges to thoſe Ports, which they ſtill enjoy: However, it was upon Condition that they ſhould provide Eighty Ships at their own Charge for Forty Days, as often as the King ſhould have Occaſion for them in the Wars, he being then under a Neceſſity of having a Navy for paſſing into *Normandy* to recover that Dukedom which he had loſt. And *Thorn* tells us how many Ships each Port was to provide, *viz.*

Haſtings Twenty-one, and in each Ship Twenty-one Men, *cum ſarcone ad quem pertineut tanquam membra unus vicus in Seford, Pevenefey, Hedney, Winchelſea, Rye, Hamine, Wakesborn, Creneth* and *Forthclipe.*

Romney, Five Ships with Cordage, and in each Ship Twenty-four Seamen, *ad quem pertinent, Bromhal, Lyde* of *Marſtone, Dungemures, & vicus Romenhale.*

Hythe Five Ships, and in each Twenty-one Seamen, *ad quem pertinet Weſtmethe.*

Dover the like Number as *Haſtings, ad quem pertinet Folkſton, Feverſham, Margate.*

Sandwich the like Number with *Hythe, ad quem pertinet Fordwice, Reculver, Serve, Dale.* See a Catalogue of the Lord Wardens of the Cinque Ports at the End of Mr. *Somner's Treatiſe of the* Roman *Ports and Forts in* Kent, 8vo, *Oxford* 1693. in which Diſcourſe there are many Authorities and Obſervations relating to the Antiquities and Cuſtoms of the *Cinque Ports.*

Quinquinal diſme ſignifies a Tenth of all Goods for Five Years ſucceſſively.

Quinſieme or Quinzime, (*Decima Quinta*) is a *French* Word, ſignifying a Fifteenth; with us it is a Tax, ſo called, becauſe it is raiſed after the *Fifteenth* Part of Mens Lands or Goods. *Anno* 10 *R.* 2. *c.* 1. and 7 *H.* 7. *c.* 5. See *Fifteenth* and *Tax.* It is well known by the *Exchequer* Roll, what every Town throughout *England* is to pay for a *Fifteenth.* Sometimes this Word *Quinſime* or *Quinzime,* is uſed for the Fifteenth Day after any Feaſt, as the *Quinzime* of St. *John Baptiſt. Anno* 13 *E.* 1. in the *Preamble.* See *Fifteenth.* It is a Miſtake that this was a Tax of the *Fifteenth* Part of all Lands, for it was of the Goods only, and it was firſt granted by the Parliament, 18 *Ed.* 1. viz. *Compotus quintæ decimæ Regi, Anno* 18. *per Archiepiſcopos, Epiſcopos, Abbates, Priores, Comites, Barones & omnes alios de regno, de omnibus bonis ſuis nobilibus conceſſæ:* The City of *London* paid this Year for the *Fifteenth,* 2860*l.* 13*s.* 8*d.* and the Abbot of St. *Edmonds* 666 *l.* 13*s.* 4*d.* which was by Compoſition, and thereupon had all his temporal Goods, and the Goods of his Convent diſcharged of the *Fifteenth:* The way of Collecting it was, by Two Aſſeſſors appointed in every County by the King, and they appointed Twelve in every Hundred, who made a true Valuation of every Man's perſonal Eſtate, and then cauſed the *Fifteenth* Part to be levied.

Quinta, *i. e.* a Mile: Sometimes 'tis called *Quintum milliare; Civitatem Cenomanenſem poſſideat cum tota quinta libere & pacifice.* Pryn, in Lib. Eccleſiæ Angliæ. 3 Tom. p. 35.

Quintal, *Quintallus,* A Weight of Lead, Iron, and common Metals, uſually one Hundred Pounds, at Six-ſcore *per Cent.*——*Unus* quintallus *ferri vel aceri qui continet ix petras & dimid. lib. valet ix s. & ſic valet quælibet petra xii den. quælibet libra* 1. *den.*—— Regulæ Compoti domus de Farendon. *MS.*

Quintane, *Quintana,* French *Quintayne & Beſant,* a Kind of Exerciſe that young Men did, and ſtill do uſe in ſome Places of this Nation, to

try the Agility of the Country Youth. *Spelman* in his *Gloſſary* deſcribes it thus from his own Obſervation, —— *Ejus forma (ut ſemel aliquando puerulus vidi) hæc eſt, Erecta trabi pertica incumbit verſatilis uno fine peram dimittens arena gravidam; altero tabulam affixam, quæ dum a currenti equite fortius haſta impellitur, pera violentius circumacta, impellentis collum (ni citacius evaſerit) fortiter verberat.* But what it was anciently, *Mat. Pariſ. in* Hen. 3. *ſub initio*, Anno 1253. thus delivers, *Eo tempore juvenes* Lond. *ſtatuto pavone pro Bravio ad ſtadium, quod* quintana *vulgariter dicitur, vires proprias & equorum curſus ſunt experti.* It was at firſt a *Roman* military Sport, and is ſtill retained and moſt practiſed in thoſe Parts of *England* which lay adjacent to the *Roman* Garriſons and Ways. See a large Account of this cuſtomary Sport in Mr. *Kennet*'s Paroch. Antiquit. *p.* 18.

Quint Exact, *Quinto Exactus*, 31 *Eliz. cap.* 3. Is the laſt Call of a Defendant, who is ſued to the Outlawry, where, if he appear not, he is by the Judgment of the Coroners returned *Outlawed*; if a Woman, *waved*. See *Exigent*.

Quinzime. See *Quinſieme*.

Quiſtron, *i. e.* a Beggar; from the French *Queſteur*, and that from the Lat. *Quærere*.

Quite-Claim, *Quieta clamantia*, Is a Releaſe or Acquitting of a Man, for any Action that he hath, or might, or may have againſt him. Alſo a *Quitting of one's Claim or Title.* Bracton, *lib.* 5. *tract.* 5. *cap.* 9. *num.* 6. *lib.* 4. *tract.* 6. *cap.* 13. *num.* 1.

Quit-Rent, *Quietus redditus*, Is a certain ſmall *Rent*, payable yearly by the Tenants of moſt Manors; upon the Payment whereof they are *quit* and free, till it becomes due again: This in ſome ancient Records, according to *Spelman*, is written *White-Rent*, becauſe paid in *Silver*. Hither may be referred what we find in *Lambard*'s *Itinerary*, *pag.* 212. concerning the Tenants of *Chriſt-Church* in *Canterbury*, dwelling without the Weald.

De redditu	7 s. 6 d.
De viginti ovis	0 s. 1 d.
De Gallinis & Benerth	0 s. 16 d.

The Sum of the whole *Quit-Rent* is —8 s. 11 d.

Quod Clerici beneficiati de Cancellaria Is a Writ to exempt a Clerk of the Chancery from the Contribution towards the Proctors of the Clergy in Parliament. *Reg. Orig. f.* 261.

Quod Clerici non eligantur in Officio Balliui, &c. Is a Writ that lies for a Clerk, which, by reaſon of ſome Land he hath, is made, or in doubt to be made *Bailiff*, *Beadle*, *Reeve*, or ſome ſuch like Officer. See *Clerico infra ſacros*, &c. Reg. Orig. fol. 187. and *F. N. B. fol.* 261.

Quod ei Deforceat Is a Writ that lies for the Tenant in Tail, Tenant in Dower, or Tenant for Term of Life, having loſt by Default, againſt him that recovered, or againſt his Heir. See *Broke*, *hoc* Tit. *Reg. Orig. f.* 171. and the *New Book of Entries*, verb. *Quod ei Deforceat.*

Quod non permittat. See *Conſuetudinibus & Servitiis.*

Quod permittat Is a Writ that lies for the Heir of him that is diſſeiſed of his Common of Paſture againſt the Heir of the Diſſeiſor being dead. *Termes de lay Ley*, 526. *Britton*, *cap.* 8. ſays That this Writ lies for him, whoſe Anceſtor died ſeiſed of Common of Paſture, or other like Thing annexed to his Inheritance, againſt the *Deforceor.* See *Bro. hoc titulo*, *Reg. Orig. fol.* 155. and the *New Book of Entries*, verb. *Quod permittat.*

Quod Perſona nec Prebendarii, &c. Is a Writ that lies for ſpiritual Perſons that are diſtrained in their ſpiritual Poſſeſſions, for the Payment of a *Fifteenth* with the reſt of the Pariſh. *F. N. B. fol.* 176.

Quo Jure Is a Writ that lies for him that has Land, wherein another challengeth *Common of Paſture* Time out of Mind: And it is to compel him to ſhew *by what Title* he challenges it. *F. N. B. fol.* 128. and *Britton* more largely, *c.* 59. *Reg. Orig. fol.* 156. and the *New Book of Entries*, *verbo Quo jure.*

Quo minus Is a Writ that lies for him that hath a Grant of *Houſe-bote* and *Hay-bote* in another Man's Woods, againſt the Grantor, making ſuch Waſte as the Grantee cannot enjoy his Grant. *Old Nat. Brev. fol.* 148. and *Kitchin*, *fol.* 178. This Writ alſo lies for the King's Farmer in the Exchequer, againſt him to whom he ſelleth any Thing by way of Bargain touching his Farm, or againſt whom he hath any Cauſe of perſonal Action. *Perkin*'s *Grants*, 5. For he ſuppoſeth by the Vendee's detaining any Due from him, he is made *leſs able* to pay the King's Rent. And under this Pretence, any one who pays the King a Fee-Farm Rent, may have this Writ againſt any other Perſon for any Debt or Damage, and bring the Cauſe to Trial in the *Exchequer.*

Quorum Is a Word often mentioned in our Statutes, and much uſed in Commiſſions both of Juſtices of the Peace, and others, and ſo called from the Words in the Commiſſion, *Quorum* A. B. *unum eſſe volumus:* As for Example, Where a Commiſſion is directed to Seven Perſons, or to any Three of them, *Whereof A. B.* and *C. D.* to be Two, there *A. B.* and *C. D.* are ſaid to be of the *Quorum*, becauſe the reſt cannot proceed without them; ſo a *Juſtice of the Peace and Quorum*, is one without whom the reſt of the Juſtices in ſome Caſes cannot proceed. *Anno* 3 *H.* 7. *cap.* 3. and 32 *H.* 8. *cap.* 43.

Quorum nomina. In the Reign of *H.* 6. the King's Collectors and other Accountants were much troubled in paſſing their Accounts, by new extorted Fees, and forced to procure a late invented Writ of *Quorum nomina*, for Allowance of the Barons of the *Cinque Ports*, and their ſuing out their *Quietus* at their own Charge, without Allowance from the King. *Chron. Angliæ.*

Quo Warranto Is a Writ that lies againſt him that uſurps any Franchiſe or Liberty againſt the King, as to have *Waif*, *Stray*, *Fair*, *Market*, *Court-Baron*, *Leet*, or ſuch like, without good Title. *Old Nat. Brev. f.* 149. Or elſe againſt him that intrudeth himſelf as Heir into Land. *Bracton*, *lib.* 4. *tract.* 1. *cap.* 2. *num.* 3. Bro. *hoc* Tit. 18 *E.* 1. *Stat.* 2 & 3. & *Anno* 30. *ejuſdem.* And the *New Book of Entries*, verb. *Quo Warranto.*

Quota, A Tax or Impoſition to be levied in equal Manner. ——*Et quod nullæ impoſitiones, contributiones, taxæ*, quotæ, *tallagia vel auxilia ipſis tanquam alienigenis aliquo modo imponantur.* ——Carta R. 2. in Mon. Angl. Tom. *pag.* 538.

Quyke Was anciently uſed for a living or quick Beaſt, as appears by the Will of *John Bracebridge* of *Kinnersbury* Eſq; dated 7 *H.* 8. wherein it

it is appointed, *That his beſt* Quyke *ſhould be taken in the Name of his Mortuary.*

The Quire of a Boar Is the Hounds Fee, but what Part it is we are unſatisfied: but if we may gueſs, we think it may denote the Heart. And then doubtleſs a Word corrupted from the French *Coeur.* Skynner's Etymologicum Ling. Angl.

R.

R Is called *Litera canina*, the Dog's Letter; becauſe it has a jarring Sound, ſuch as Dogs uſe when they ſnarl; and *Pomponius* writes, That it was firſt invented by *App. Claudius*, in *L. 2. de Orig. Jur.* See *Vocab. utriuſque juris.*

Racha. *Ut etiam Caudas* racharum *veſtibus ejus affigerent*, read *vaccarum.* Malmsbury, *lib. 2.*

Rachet, *Rachetum*, or (as *Skene*) *Rachatum*, Derived from the French *Rachater* or *Racheter, redimere*; it is the ſame Thing with *Theftboote*, which is the Compenſation or Redemption of a Thief. *Racketum eſt thiefbute vel redemptio capta pro venditione furum, latronum vel aliorum malefactorum.* Skene *de verb. ſignif.* verb. *Rachetum.*

Rachimburgi, *i. e.* Judges. *Leg. Canuti, cap.* 103.

Rack, *Fidicula*, So called, becauſe Perſons are there tortured *ut fides inveniatur.* An Engine in the *Tower* with Cords and Strings to extort Confeſſion from Delinquents: *John Holland* Earl of *Huntingdon* was by King *Henry* the Sixth created *Duke of Exeter*, and made Conſtable of the *Tower*: He and *William de la Poole* Duke of *Suffolk*, and others, intended to have brought in the Civil Laws; for a Beginning whereof, the Duke of *Exeter* firſt brought into the *Tower* the *Rack* or *Brake*, allowed in many Caſes by the Civil Law; and thereupon it was called *The Duke of* Exeter's *Daughter.* 3 *Inſt.* 35.

Rackevintage. *Anno* 32 *Hen.* 8. 14. Is a ſecond *Vintage*, or Voyage, for Wines by our Merchants into *France*, *&c.* for *racked* Wines, cleanſed and drawn from the Lees: From this Voyage our Merchants commonly return about the End of *December*, or beginning of *January.*

Racheſſ, *i. e.* Haſty; from the Sax. *Recene, cito.*

Radecheniſtres, In *Domeſday* Book, *Interpretatur pro liberis hominibus*, as *fol.* 18. Tit. *Glouc.* Berchelay ——— *Hii* Radecheniſtr. *arabant & hircia-bant ad Curiam Domini*, & ibidem Tit. Derhurſt, *De terra hujus Manerii tenebant* Radecheniſtres, i. *liberi homines, forte* (ſaith *Spelman*) *ſit idem quod* Bractano Radenights. The ſame alſo were called *Sokemans*, and *Sochemanni.* See *Co.* on *Lit. ſect.* 117. verb. *Socagium, pag.* 86.

Radevoze, *i. e.* Tapeſtry, ſuch as is uſually hanged in a Senate-Houſe: From the Sax. *Rad, conſilium*, and *Fore, ante.*

Radgondes; 'Tis a Diſeaſe which oppreſſes one ſuddenly: From the Sax. *Rath, cito.*

Radius Is mentioned in *Fleta, lib. 2. cap.* 73. *par.* 12. and it ſignifies a Furrow.

Rad-Knights. See *Rod-Knights.*

Radman. *Domeſday*, Tit. Hereſcire, 15. *Bordar. Præpoſitus & unus* Radman, *&c.* It ſeems to be the ſame with *Rodeknight*, unleſs peradventure it be derived from *Read* Counſel, and ſo *Readmans* ſignifies Counſellors.

Radnoz. See *Magi.*

Raffinage, *i. e.* A Refining.

Ragaleia terræ, *i. e.* A ſingle Furrow of Land ploughed in a ſtrait Line.

Rageman Is a Statute ſo called of Juſtices, aſſigned by *Edward* the Firſt, and his Counſel, to go a Circuit through all *England*, and to hear and determine all Complaints of Injuries done within Five Years next before *Michaelmas*, in the Fourth Year of his Reign.

Ragloria Is a Word mentioned in the Charter of *Edward* the Third, whereby he made his Eldeſt Son *Edward Prince of Wales* in Parliament at *Weſtminſter* the Seventeenth Year of his Reign, recited by *Selden* in his *Titles of Honour*, pag. 597. ——— *Cum Foreſtis, Parcis, Chaſeis, Boſcis, Waremis, Hundredis, Comotis*, Ragloriis, *Ringeldiis, Wodewardis, Conſtabulariis, Ballivis, &c. Davis* in his *Dictionary* ſays, That *Rhaglaw* among the *Welſh* ſignifies *Seneſchallus, Surrogatus, Præpoſitus.*

Raglorius, *i. e.* A Steward. *Selden*, Tit. *of Honour, f.* 597. *Cum hundredis, commotis*, ragloriis, *Rengeldis, &c.*

Ragman's Roll, (*rectius Ragimund's Roll*,) ſo called from one *Ragimund*, a Legat in *Scotland*, who, calling before him all the benefieed Perſons in that Kingdom, cauſed them, upon Oath, to give in the true Value of their Benefices, according to which they were after taxed in the Court of *Rome.* This *Roll*, among other Records, being taken from the *Scots* by our King *Edward* the Firſt, was re-delivered to them in the Beginning of *Edward* the Third's Time. *Ragemans* and *Blanks* to be burnt. *Cott. Records, fol.* 364. Sir *Richard Baker* in his Chroniele, *f.* 127. ſaith, That *Edward* the Third ſurrendred, by his Charter, all his Title of Sovereignty to the Kingdom of *Scotland*, reſtored divers Deeds and Inſtruments of their former Homages and Fealties, with the famous Evidence called *Ragman's Roll.*

Rainhundt. In the Conſtitutions of King *Canutus*, touching the Foreſt, *Art.* 30. 'tis ſaid, *Item de canibus quod* Rainhundt *vocant*, a Dog which will watch in the Rain. *Du Freſne in Verbo canis.*

Ramilia, Lopping and Topping, or the Branches, Boughs, or Heads of Trees cut off or blown down. ——— *Poterunt etiam colpare & habere* ramiliam, *& omnia genera arborum quæ in eodem manerio fuerant.* Continuat. Hiſtor. Croiland, *pag.* 473. *Ramalia*, Broken Boughs. *Cum autem in boſcis noſtris aliqua ſuccideriмus, licebit eis ſine aliquo ferramento vel aliquo uſtilio ſuccibili intrare, &* Ramalia *quæ de* Wyveda *remanſerint, quæ Anglice Spren dicuntur, colligere.* ——— *Conventio inter Priorem & Conv. Cant. & Homines ſuos de Chertham, anno* 1166. Reg. Eccl. Chriſti Cantuar. *MS.* penes Rev. Johannem Epiſc. Norwic. *Et de boſco meo conceſſi* 10 *Carucatas de* Ramilio. Monaſt. 1 Tom. p. 800.

Ran, Is a *Saxon* Word, and ſignifies *aperta rapina*, open or publick Theft. *Lamb. Archai. fol.* 125. defines it thus, Ran *dicitur aperta rapina, quæ negari non poteſt.* In the *Saxon* Laws of King *Canute cap.* 58. —— *Si in profectione militari* Ran *commiſerit, pro facti ratione emendato. Hoveden* in the latter Part of *Hen.* 2. ſpeaking of ſome Things, which *William the Conqueror* mended in the Laws of *England*, ſaith, *Decretum eſt etiam ibi, ut ſi Francigena appellaverit Anglicum de perjurio aut murdro, furto, homicidio*, Ran *quod dicunt apertam rapinam quæ negari non poteſt, Anglicus ſe defendet, per quod melius voluerit, aut judicio ferri aut duello.* So we

ſtill

ſtill ſay, when a Man takes away the Goods of another by Violence, he hath taken all he could *Rap and Ran.* *Rap*, from *rapio*, to ſnatch.

Range, From the French *Ranger*, to order, diſpoſe of. It is uſed in the *Foreſt Laws* both as a Verb, as to *Range*; and a Subſtantive, as *to make Range*, *Charta de Foreſta*, *cap.* 6. To *Range* alſo ſignifies to wander and ſtray about.

Ranger Is a ſworn Officer of the Foreſt, of which there are Twelve, *Id. cap.* 7. whoſe Authority is in Part deſcribed by his Oath ſet down by *Manwood*, *part* 1. *pag.* 50. but more particularly *part* 2. *cap.* 20. *num.* 15, 16, 17. His Office chiefly conſiſts in Three Points, To walk daily through his Charge, to ſee, hear and inquire, as well of Treſpaſſes as Treſpaſſers in his Bailiwick; To drive the Beaſts of the Foreſt both of Venery and Chace out of the deafforeſted into the foreſted Lands: And to preſent all Treſpaſſes of the Foreſt at the next Court holden for the Foreſt. This *Ranger* is made by the King's Letters Patent, and hath a Fee of Twenty or Thirty Pounds paid yearly out of the Exchequer, and certain Fee-Deer. *Rangeator Foreſtæ de Whittlewood. Pat.* 14 *R.* 2. *m.* 3.

Ranſom, *Redemptio*, Is derived of the French *Rancon* or *Rencon*, *redemptio* ſignifies properly the Sum that is paid for the *Redeeming* one that is taken Priſoner in War: But it is uſed alſo for a Sum of Money paid for the Pardoning ſome great Offence, as in the Statutes of 1 *H.* 4 *cap.* 7. 11 *H.* 6. 11. and 23 *H.* 8. *cap.* 3. where *Fine and Ranſom* are joined together: But here note, That when one is to make a *Fine and Ranſom*, the *Ranſom* ſhall be treble to the *Fine*. *Cromp. Juſt. of Peace*, *fol.* 142. and *Lamb. Eiren. lib.* 4. *cap.* 16. *pag.* 556. *Horne* in his *Mirror of Juſtice* makes this Difference between *Amerciament and Ranſom*, that *Ranſom* is the *Redemption* of a corporal Puniſhment due by Law to any Offence. *Lib.* 3. *cap. De Amerciament taxable.* See *Co. on Litt. fol.* 127.

Rape, *Rapa* and *Rapus*, Is a Part of a County, being in a Manner the ſame with a Hundred, and ſometimes contains in it more Hundreds than one. As all *Suſſex* is divided into ſix *Rapes* only, *viz.* Of *Chicheſter*, *Arundel*, *Brember*, *Lewes*, *Pevenſey* and *Haſtings*; every of which, beſides their Hundreds, hath a Caſtle, River and Foreſt belonging to it. *Cambd. Brit. pag.* 225, and 229. Theſe, in other Countries, are called *Hundreds*, *Tythings*, *Lathes* and *Wapentakes*. Smith de Rep. Angl. lib. 2. cap. 16.

Rape, *Raptus*, Is a Felony committed by a Man, in the violent deflouring of a Woman againſt her Will, be ſhe old or young. *Britton*, *cap.* 1. *Weſt. Symbol. part* 2. *Tit.* Indictments, *ſect.* 54. hath theſe Words, Copulation violent is termed a *Rape* or Raviſhment of the Body of a Woman againſt her Will, which is carnal Knowledge had of a Woman, who never conſented thereunto before the Fact or after. And this in *Scotland* ought to be complained of the ſame Day or Night that the Crime is committed. *Skene de verbor. ſignif.* verb. *Raptus*, and his Reaſon is, *quia lapſu diei hoc crimen præſcribitur.* Co. on Lit. lib. 2. cap. 11. ſect. 190. ſays, If the Woman conceive, it is no *Rape*; for ſhe cannot conceive, unleſs ſhe conſent. This Offence is Felony both in the Principal and his Aiders. 13 *R.* 2. *ſtat.* 2. *cap.* 1. 11 *H.* 4. *cap.* 13. 1 *E.* 4. *cap.* 1. and *Weſtm.* 2. *cap.* 13. and ſhall not be allowed the Benefit of Clergy. 18 *Eliz. cap.* 7. And *Fleta* ſays, The Complaint muſt be made within Forty Days, or elſe the Woman may not be heard, *lib.* 3. *cap.* 5. *ſect. Præterea.* And carnal Knowledge of a Woman under Ten Years old is Felony. 8 *Eliz.* 6. Of the Diverſity of *Rapes*, ſee *Cromp. Juſtice of Peace*, *fol.* 43, 44. The Offender is called *Raptor*, a Raviſher, and in *Bracton*'s Time was puniſhed with the Loſs of his Eyes and Stones, *Quæ calorem ſtupri induxerunt*, 3 Inſt. fol. 60. See *Raviſhment.* The Civil Law uſeth *Raptus* in the ſame Signification, And *rapere virginem vel mulierem eſt ei vim inferre & violare.* See *Dyer*, *Term. Mich.* 13 & 14 *Eliz. pag.* 304.

Rape of the Foreſt, *Raptus Foreſtæ*, Is reckoned among thoſe Crimes, whoſe Cogniſance belongs only to the King. *Violentus concubitus*, Raptus Foreſtæ, *relevationes baronum ſuorum*, &c. Leg. Hen. 1. cap. 10. Treſpaſs committed in the *Foreſt* by Violence.

Rapine, *Rapina*, To take a Thing in private againſt the Owner's Will, is properly Theft; but to take it openly, or by Violence, is *Rapine*, 14 *Car.* 2. *cap.* 22. and 18 *Car.* 2. *cap.* 3.

Raptu hæredis Is a Writ lying for the Taking away of an Heir holding in Soeage; of which there are Two Sorts, one when the Heir is married, the other when he is not; of both theſe, ſee the *Reg. Orig. fol.* 163.

Raſe, *Raſeria*. It ſeems to have been a Meaſure of Corn now diſuſed. *Toll ſhall be taken by the* Raſe, *and not by the Heap or Cantel*, Ordinance for Bakers, Brewers, &c. *cap.* 4 *Debentur ei annuatim decem & octo* Raſeriæ *avenæ*, & *ſex* Raſeriæ *hordei*, &c. Spelman. *Et de uno* Raſario *frumenti in unoquoque menſe ortolano*, & *ad natale Domini de uno* Raſario *Braſii de* Masſhemalt, *de ordeo & avenis*, & *dimidium* Raſarii *de* Grethmalt.——— Pat. 12 Edw. 3. pag. 1. m. 4.

Raſus alleorum, A Raſe of Onions, thus computed in *Fleta*, lib. 2. cap. 12. ſect. 12. *Raſus alleorum continet xx ſtones*, & *qualibet ſtonis xxv. capita.*

Raſtall Was an eminent and learned Lawyer, that lived in Queen *Mary*'s Days, and was a Juſtice of the Common Pleas; he made an Abridgment of the Statutes, which bears his Name to this Day. He was alſo the Author of the *New Book of Entries.*

Ratæ, *Leiceſter.*

Rate-tithe Is, when Sheep, or other Cattel are kept in a Pariſh for leſs Time than a Year, the Owner muſt pay for them *pro rata*, according to the Cuſtom of the Place. *F. N. B. fol.* 51. *Broke*, *Diſmes* 26. *Pro rata dicimus*, *pro proportione vel proportionaliter.* Lindewode.

Ratification, *Ratificatio*, A ratifying or confirming. It is uſed for the Confirmation of a Clerk in a Prebend, &c. formerly given him by the Biſhop, &c. where the Right of Patronage is doubted to be in the King. See *Reg. Orig. fol.* 304.

Ratio, Properly ſignifies Reaſon; but we take it moſtly for an Account, as *reddere rationem*, to give an Account, and ſo it is frequently uſed.

Ratio, *i. e.* A Cauſe, or Judgment given in a Cauſe, and *ponere ad rationem* is to cite one to appear in Judgment. *Walſingh.* 88.

Rationabilibus diviſis Is a Writ that lies where Two Lords, in divers Towns, have Seigniories joining together, for him that findeth his Waſte

Waſte by little and little to have been encroached upon, againſt the other that hath encroached, thereby to rectify their Bounds; in which Reſpect *Fitzherbert* calls it in its own Nature a *Writ of Right*. The *Old Nat. Brev.* ſays, That this is a Kind of *Juſticies*, and may be removed by a *Pone* out of the County to the Common Bench. See the Form and Uſe hereof in *F. N. B. fol.* 128. and *Reg. Orig. fol.* 157. and *New Book of Entries*, verb. *Rationabilibus diviſis.* The *Civilians* call this *Judicium finium regendorum.*

Rationabili parte bonorum Is a Writ that lies for the Wife againſt the Executors of her Huſband, denying her the third Part of her Huſband's Goods, after Debts and Funeral Charges defrayed. *F. N. B. fol.* 222. who there cites the eighteenth Chapter of *Magna Charta*, and *Glanvile*, to prove that according to the Common Law of *England*, the Goods of the Deceaſed, his Debt firſt paid, ſhould be divided into Three Parts, whereof his Wife to have one, his Children the Second, and the Executors the Third; and this Writ lies as well for the Children as Wife, which appears by *Reg. Orig. fol.* 142. Yet it ſeems to be in Uſe no where, unleſs the Cuſtom of the Country leads to it. See the *New Book of Entries*, verb. *Rationabili parte bonorum.*

Rationale Was the ſame with *Pallium*: It was worn by the High Prieſt of the old Law, as a Sign of the greateſt Perfection, and by the Pope and Biſhops, as a Token of the higheſt Virtue, *quæ gratia & ratione perficitur*, and from hence 'tis called *Rationale.*

Ratotribius fluvius, The River *Taffe* in *Glamorganſhire.*

Raviſhment, *Raptus*, Signifies an unlawful Taking away either a Woman, or an Heir in Ward: Sometimes alſo it is uſed in the ſame Senſe with *Rape*, which ſee.

Raviſhment de gard Was a Writ that lay for the Guardian by Knights-ſervice, or in Socage, againſt him that took from him the Body of his Ward. See *F. N. B. fol.* 140. See 12 *Car.* 2. *cap.* 24.

Raviſher. *Raptor*, He that deflours a Woman by Violence. See the Penalty for *raviſhing*, or being raviſhed, afterwards conſenting, in the Statute 6 *R.* 2. *cap.* 6. See *Rape.*

Rawe Is a Word mentioned *Anno* 4 *E.* 4. 1.

Rawnge and **Rawnger.** See *Range* and *Ranger.*

Ray Is a Word appropriated to Cloth never coloured or died. 17 *R.* 2. *cap.* 3. 11 *H.* 4. *cap.* 6. and 1 *R.* 3. *cap.* 8.

Rayth, *Anno* 6 *Hen.* 6 A Motion was made in Parliament againſt a certain Trial in *Wales*, called a *Rayth*, *q.*

Read, *i. e.* Advice: From the Saxon *Raed*, *conſilium*: Thus in our old Bibles, the Verſe in the firſt *Pſalm* is thus tranſlated, *viz. The Man is bleſt, that hath not bent—— To wicked* Read *his Ear*, *i. e.* to wicked Counſel.

Reafforeſted Is where a Foreſt hath been *diſafforeſted*, and again made Foreſt, as the Foreſt of *Deane*, by the Statute of 20 *Car.* 2. *cap.* 3.

Realty Is an Abſtract of *Real*, and contradiſtinguiſhed from *Perſonalty.*

Reap-towel *Rip-towel*, The Gratuity or Reward given to cuſtomary Tenants, when they have reaped their Lord's Corn, or done their other cuſtomary Duties. ——— *Homines minores de Ingleſham habebunt, ſi operantur in Autumno, dimidiam acram frumenti non ſtercorati, & dimidiam acram dragei ad* Rip-towel.—— Conſuetud. domus de Farendon MS. f. 15.

Reaſonable Aide, *Rationabile auxilium*, Was a Duty that the Lord of the Fee claimed of his Tenants holding by Knights-ſervice, or in Socage, to marry his Daughter, or make his Son Knight. *Weſtm.* 1. *cap.* 39. but taken away now. See the Stat. 12 *Car.* 2. *cap.* 24.

Reathen, *i. e.* haſty: From the Sax. *Rath*, *cito*, from whence we derive the Word *Wrath.*

Reattachment, *Reattachiamentum*, Is a ſecond *Attachment* of him that was formerly attached and diſmiſſed the Court without Day, as by the not coming of the Juſtices, or ſome ſuch Caſualty. *Broke*, *hoc titulo*, where he makes *Re-attachment General* and *Special*: *General*, is where a Man is reattached for his Appearance upon all Writs of Aſſize lying againſt him. *Bro. ibid. num.* 18. Then *Special* muſt be for one or more certain. *Reg. Judic. fol.* 35. and *New Book of Entries*, hoc verbo.

Rebellare Signifies to Fight. *Ad* rebellandum *ſe ſuoſq; præmunire cœpit.* Vita Offæ Regis.

Rebellion, *Rebellio*, Is a *French* Word, or rather *Latin*, ſignifying the Taking up of Arms traiterouſly againſt the King, be it by natural Subjects, or by others once ſubdued: Among the *Romans* it denoted a ſecond Reſiſtance of ſuch as formerly being overcome in Battel, yielded to their Subjection. The Word *Rebel* is ſometimes attributed to him that wilfully breaks a Law. 25 *E.* 3. 6. and 31 *E.* 3. *ſtat.* 3. *cap.* 2. Sometimes to a Villain diſobeying his Lord. 1 *R.* 2. *cap.* 6. *Commiſſion of Rebellion.* See in *Commiſſion.*

Rebellious Aſſembly Is a gathering together of Twelve Perſons, or more, intending or going about, practiſing or putting in Ure, unlawfully of their own Authority, to change any Laws or Statutes of this Realm; or to deſtroy the Encloſure of any Park or Ground incloſed, or Banks of any Fiſh-pond, Pool or Conduit, to the Intent the ſame ſhall remain void; or to the Intent unlawfully to have Common, or Way in any of the ſaid Grounds; or to deſtroy the Deer in any Park, or any Warren of Conies, or Dove-houſes, or Fiſh in any Ponds; or any Houſe, Barns, Mills, or Bayes, or to burn Stacks of Corn, or to abate Rents, or Prices of Victuals. *Anno* 1 *Mar.* 12. & 1 *Eliz.* 17. See *Weſt. Symbol. part* 2. *Tit.* Indictments, *ſect.* 65. and *Cromp. Juſt. of Peace, fol.* 21.

Rebellum, A Rejoinder, a Replication, an Anſwer in a Court of Equity. ——— *Cum conſtaret nobis diem & locum eſſe conſtitutos præfato* Roberto *ad reſpondendum* Rebello *in cauſa prædicta ſibi porrecto.*—— Cartular. Abbot. Glaſton. MS. f. 108.

Rebinandum. *Noveritis me teneri per præſens ſcriptum ad warectandum &* Rebinandum *cum ſemine meo proprio, tam cum ſemine yemali, quam cum ſemine quadrageſimali, totam terram arabilem* R. B. &c. Charta Nic. Dubbe dat. 3 Edw. penes Henr. Milburn, Arm.

Rebinare Was to plow the Ground the third Time. *Tempus* rebinandi *erit poſt feſtum Nativitatis Sancti Johannis Baptiſtæ cum terra pullulaverit poſt carucam.* Fleta, lib. 2. cap. 73. par. 10.

Rebinare terram, To give a Second ſtirring or ploughing to arable Land that lies fallow, in Order

der to prepare it for ſowing Wheat, &c. *Die Sabbati poſt Feſtum omnium Sanctorum Anno* 1322. *ordinatum eſt in Capitulo Eccleſiæ Paulinæ, quod firmæ Eccleſiarum de Willeſdone, Sancti Pancratii, &c. quæ ſub nomine gratiæ Fratribus Stagiariis ad firmam per Capitulum ſecundum reſidentiæ ſuæ curſum tradi ſolent quocunque tempore anni vocaverint in Feſto Sancti Petri ad vincula realiter dimittantur, & tunc primum libere ingrediantur Fratres ſuccedentes——— Si quas vero terras warectaverit vel* rebinaverit *defunctus, ſumptus appoſitos Executoribus defuncti vivus ſuccedens ſolvere teneatur.———* Ex Libro Statutorum Eccleſiæ Paulinæ per Tho. Lyſeaux Decanum collect. MS. penes Rev. Joh. Epiſcopum Norwic.——— *Conceſſi quod cum araverint, vel warectaverint, vel* rebinaverint *prædictas terras ſuas, poſſint ducere & vertere carrucas ſuas ſuper terram proxime jacentem abſque impedimento.* Cartular Abb. Radinges MS. f. 71. a.

Rebutter, Cometh of the French *Bouter, repellere*, and ſignifies the ſame in the Common Law. For Example, A Man grants Land to the Uſe of himſelf, and the Iſſue of his Body, to another in Fee with Warranty. And the Donee leaſeth out his Land to a Third for Years; the Heir of the Donor impleadeth the Tenant, alledging, that the Land was in Tail to him: The Donee comes in, and by Virtue of the Warranty made by the Donor, repelleth the Heir, becauſe though the Land was intailed to him, yet he is Heir to the Warrantor likewiſe; and this is called a *Rebutter*. *Bro. Tit.* Barre, *num.* 23. And again, If I grant to my Tenant, to hold *ſine impetitione vaſti*, and afterward I implead him for Waſte made; he may debar me of this Action, by ſhewing my Grant: And this alſo is a *Rebutter*. *Bro. ibid. num.* 25. *New Book of Entries*, verb. *Rebutter*, and *Co. on Lit. fol.* 365.

Recaption, *Recaptio*, Signifies a ſecond Diſtreſs of one formerly diſtrained for the ſame Cauſe, and alſo during the Plea grounded on the former Diſtreſs: It likewiſe ſignifies a Writ lying for the Party thus diſtrained; the Form and farther Uſe thereof, you may ſee in *F. N. B. fol.* 86. *Reg. Judic. fol.* 69. and the *New Book of Entries*, verbo *Recaption*.

Receit. See *Reſceipt*.

Receiver, *Receptor*, Is with us as with the *Civilians*, commonly uſed in the evil Part for ſuch as receive ſtolen Goods from Thieves, and conceal them. But annexed to other Words, as *the Receiver of Rents*, &c. it ſignifies many Times an Officer of great Account belonging to the King, or other great Perſon. *Cromp. Jur. fol.* 18. There is alſo an Officer called *the Receiver of Fines*, who receives the Money of all ſuch as compound with the King upon original Writs in Chancery. *Weſt. Symbol. part* 2. *Tit.* Fines, *ſect.* 106. *Receiver* of all Offices accountable, 1 *E.* 4. *cap.* 1.

Receiver-General of the Dutchy of Lancaſter Is an Officer belonging to the *Dutchy Court*, that gathers in all the Revenues and Fines of the Lands of the ſaid *Dutchy*, and of all Forfeitures and Aſſeſſments, or what elſe is thence received. *Anno* 39 *Eliz. cap.* 7.

Receiver-General of the Court of Wards and Liveries Was an Officer belonging to that *Court*; but the *Court* being taken away by the Stat. 12 *Car.* 2. *cap.* 24. that Officer is alſo out of Doors.

Receiver-General of the Muſter-Rolls, *Anno* 35 *Eliz. cap.* 4.

Recella Are Things of little Value. See *Servitorium*.

Rechacea. See *Chacea*.

Rechatum, King *Edw.* 1. grants a Charter to the Barons of the Cinque Ports.——— *Ut quieti ſint de omni thelonio & de omni conſuetudine, videlicet, ab omni laſtagio, tollagio, paſſagio, cayagio, rivagio & omni wrecco & de omni venditione, achato &* rechato *ſuo ſuper totam terram & poteſtatem noſtram.*——— Placit. temp. Edw. 1. & Edw. 2. MS. 4to penes Dom. Fountains ex Ædc Chriſti Oxon.

Recidivare, To relapſe after a Recovery. 'Tis mentioned in *Petrus Bleſenſis, Epiſt.* 131.

Recinium for *Ratiocinium*.

Recluſe, *Recluſus*, Is one that by Reaſon of his Order in Religion, is ſhut up, and may not ſtir out of the Houſe or Cloiſter, of whom *Littleton* ſpeaks, *ſect.* 434.

Recognizance, *Recognitio*, Cometh of the French *Recognoiſſance*, and is as a Bond or Obligation of Record, teſtifying the *Recogniſor* to owe to the *Recogniſee* a certain Sum of Money, and is acknowledged in ſome *Court of Record*, or before ſome Judge, Maſter of the Chaneery, or Juſtice of Peace, &c. 23 *H.* 8. 6. and thoſe that be meer *Recogniſances* are not ſealed but enrolled, and Execution by Force thereof is of all the *Recogniſor's* Goods or Chattels (except draught Beaſts and Implements of Husbandry) and the Moiety of his Lands. *Weſt. Symbol. part* 1. *lib.* 2. *ſect.* 149. and *Reg. Orig. fol.* 146, 151, & 252. See alſo *Statute-Merchant* and *Statute-Staple*. *Recogniſance* hath yet another Signification, as appears by theſe Words in the Statute, *Weſtm.* 1. *cap.* 36. For it is there provided and agreed, *That if any Man be attainted of* Diſſeiſin, *done in the Time of the King that now is, with Robbery of any Manner of Goods or Moveables, by* Recogniſance of Aſſiſe *of* Novel Diſſeiſin, *the Judgment ſhall be*, &c. where it is uſed for the *Verdict* of the Twelve Men impanelled upon an *Aſſiſe*, which Twelve are alſo called *Recognitors* of the *Aſſiſe*. *Lit. fol.* 72. So alſo *Bracton* names them, *lib.* 5. *tract.* 2. *cap.* 9. *num.* 2. and *lib.* 3. *tract.* 1. *cap.* 11. *num.* 16. See the Stat. 20 *E.* 1. *Stat.* 4. and *New Book of Entries*, verbo *Recogniſance*.

Recogniſee Is he to whom one is bound in a *Recogniſance*, 11 *H.* 6. *cap.* 10.

Recognition, (*Recognitio*) An Acknowledgment. It is the Title of the Firſt Chapter of the Statute 1 *Jac.* whereby the Parliament *acknowledged* the Crown of *England*, after the Death of Queen *Elizabeth*, to have rightfully deſcended to King *James*. See *Skene de verbor. ſignif. verb.* Recognition.

Recognitione annullanda per vim & duritiem facta Is a Writ to the Juſtices of the Common Bench, for the ſending of a Record touching a *Recognizance*, which the *Recogniſor* ſuggeſts to have been acknowledged by Force and Dureſs, that if it be ſo, it may be annulled. *Reg. Orig. fol.* 183.

Recognitors, *Recognitores*, Is a Word frequently uſed for the Jury impanelled upon an Aſſiſe: The Reaſon why they are ſo called, is, becauſe they acknowledge a Diſſeiſin by their Verdict. *Bracton, lib.* 5. *tract.* 2. *cap.* 9. *num.* 2. & *lib.* 3. *tract.* 1. *cap.* 11. *num.* 16.

Reconciliare. A Church is ſaid *Reconciliari* when it is conſecrated again, after it hath been polluted, or in the Poſſeſſion of Pagans or Hereticks. *Mat. Pariſ. Anno* 1152. *Mat. Weſtm. Anno* 1015.

Record, *Recordum*, Cometh of the Latin *Recordari*, to remember, and signifies an authentick and uncontroulable Teſtimony in Writing, contained in Rolls of Parchment, and preſerved in Courts of *Record*, and they are ſaid to be *Vetuſtatis & veritatis veſtigia*. Coke's *Preface to his* 8 *Rep. Britton, cap.* 27. and *Lamb. Eiren. lib.* 1. *cap.* 13. An Act committed to Writing in any of the King's Courts, during the Term wherein it is written, is alterable, being no *Record*; but that Term once ended, and the Act duly enrolled, it is a *Record*, and of that Credit, that admits no Alteration or Proof to the contrary. *Bro. Tit.* Record, *num.* 20, 22. yet ſee *Co.* 4 *Rep. Rawlin's* Caſe, *fol.* 52. The King may make a *Court of Record* by his Grant. *Glanvile, lib* 8. *cap.* 8. *Britton, cap.* 121. As Queen *Elizabeth* by her Charter, dated the 26. of *April*, in the Third Year of her Reign, made the Conſiſtory Court of the Univerſity of *Cambridge*, a Court of *Record*. *Bro. Tit. Record*, ſeems to inſinuate that no Court Eccleſiaſtical is of *Record*; yet we ſee that Biſhops certifying *Baſtardy*, *Bigamy*, *Excommunication*, *a Marriage*, *Divorce*, *or the like*, are credited without farther Inquiry. *Fleta, lib.* 6. *cap.* 39, 40, 41, 42. *Lamb. Eiren. lib.* 1. *cap.* 13. *Glanvile, lib.* 7. *cap.* 14, 15. *Reg. Orig. fol.* 5. *Bracton, lib.* 5. *tract.* 5. *c.* 20. *num.* 5. *Britton, cap.* 92, 94, 106, 107, & 190. *Doct. & Stud. lib.* 2. *cap.* 5. And a Teſtament ſhewed under Seal of the Ordinary is not traverſable. 36 *H.* 6. *c.* 31. *Perkin's Teſtament* 491. *Fulbeck's Parallels, f.* 61. The Reaſon of which Opinion may be, becauſe by the *Civil or Canon Law*, no Record is held ſo firm but that it may be checked by Witneſſes able to depoſe it to be untrue; whereas in our *Common Law* againſt a Record of the King's Court, after the Term wherein it is made, no Witneſs can prevail. *Britton, cap.* 109. *Co. lib.* 4. *fol.* 71. *Hind's* Caſe. *Lib. Aſſ. fol.* 227. *nota* 21. We reckon Three Sorts of *Records*, *viz.* A *Record Judicial*, as Attainder, &c. A *Record Miniſterial* upon Oath, as an Office or Inquiſition found. And a *Record* made by Conveyance and Conſent, as a Fine or Deed enrolled, or the like. *Co. lib.* 4. *fol.* 54. *b. Ognell's* Caſe.

Recordare facias, or **Re**cordari facias, Is a Writ directed to the Sheriff, to remove a Cauſe depending in an inferior Court, as Court of antient Demeſne, Hundred or County to the King's Bench or Common Pleas. *F. N. B. fol.* 72. Where, and in what Caſes this Writ lies, read *Broke*, Tit. *Recordare & Pone*. It ſeems to be called a *Recordare*, becauſe it commands the Sheriff to Whom it is directed to make a *Record* of the Proceedings by himſelf and others, and then to ſend up the Cauſe. See the Table of the *Reg. Orig.* verbo *Re ordare*. See alſo *Certiorari*, and *Accedas ad Curiam*.

Recorder, *Recordator*, Is he whom the Mayor, or other Magiſtrate of any City or Town Corporate having Juriſdiction, or a Court of Record within their Precincts, by the King's Grants, doth aſſociate to him for his better Direction in Matters of Juſtice and Proceedings according to Law: And is therefore for the moſt part a Man verſed and experienced in the Law. What they call a *Recorder* in other foreign Parts, ſee in the *Cuſtumary of Normandy*, cap. 107, & 121.

Record & proceſſu mittendis Is a Writ to call a Record, together with the whole Proceeding in the Cauſe, out of an inferior Court into the King's Court: Which ſee in the Table of the *Reg. Orig.* how diverſly it is uſed.

Recordo utlagariæ mittendo Is a Judicial Writ, which ſee in *Reg. Judic. fol.* 32.

Recouare Is a Word mentioned in *Mat. Weſtm. Anno* 1216. *viz. Iſtæ ſunt terræ quas Rex Joh. amiſit, qui nihil horum* recovavit *uſque ad diem mortis ſuæ.* It ſignifies to recover.

Recovery, *Recuperatio*, May be extracted from the French *Recouvrer*, *i. recuperare*, And ſignifies in a legal Acceptation, an obtaining any Thing by Judgment or Trial of Law, as *Evictio* doth among the *Civilians*. And here note, That there is a *true Recovery*, and a *feigned* one. A *true Recovery* is an actual or real *Recovery* of any Thing, or the Value thereof by Judgment; as if a Man ſued for any Land, or other Thing moveable or immoveable, and have a Verdict and Judgment for him. A *feigned Recovery* is (as the *Civilians* call it) *Quædam fictio Juris*, a certain Form or Courſe ſet down by Law, to be obſerved, for the Better aſſuring of Lands or Tenements unto us; and the End and Effect thereof is (according to *Weſt. Symbol. part* 2. *Tit.* Recoveries, *ſect.* 1.) to diſcontinue and deſtroy Eſtates-tail, Remainders and Reverſions, and to bar the Intails thereof. And in this Formality are required Three Perſons, *viz. The Demandant*, *Tenant* and *Vouchee*. The *Demandant* is he that brings the Writ of Entry, and may be termed *the Recoverer*. *The Tenant* is he againſt whom the Writ is brought, and may be termed *the Recoveree*. *The Vouchee* is he whom the Tenant voucheth, and calls to Warranty for the Land in Demand. A *Recovery with double Voucher* is, where the Tenant voucheth one, who voucheth another, or the common Vouchee. And a *Recovery with treble Voucher* is, where Three are vouched. But to explain this Point a little more: A Man that is deſirous to cut off an Eſtate-tail in Lands or Tenements, to the End, to ſell, give, or bequeath it, cauſeth (by the Contrivance of his Counſel or Attorney) a feigned Writ of Entry *ſur diſſeiſin en le Poſt*, to be brought for the Lands of which he intends to cut off the Intail, and in a feigned Count or Declaration thereupon made, pretends he was diſſeiſed by him, who by a feigned Fine or Deed of Bargain and Sale, is named and ſuppoſed to be the Tenant of the Land. This feigned Tenant, if it be a *ſingle Recovery*, is made to appear and vouch the *Bagbearer of Writs* for the *Cuſtos brevium* in the Common Pleas, (for there only can ſuch *Recoveries* be ſuffered) who makes Default. Whereupon the Land is *recovered* by him that brought the Writ, and a Judgment is by ſuch Fiction of Law entered, that the Demandant ſhall *recover*, and have a *Writ of Seiſin* for the Poſſeſſion of the Lands demanded, and that the Tenant ſhall recover the Value of the Lands againſt the Lands of the *Vouchee*. *Bagbearer*, a poor unlanded and illiterate Perſon, which is feigned to be a Satisfaction to the Heir in Tail, though he is never to have or expect it. This *feigned Recovery* is alſo called a *Common Recovery*, becauſe it is a beaten and common Path to that End for which it is appointed, *viz.* to cut off the Eſtates above ſpecified. See *New Book of Entries*, verb. *Recovery*. But a true *Recovery* is as well of the Value, as of the Thing: For Example, If a Man buy Land of another with Warranty, which Land a Third Perſon afterwards by Suit of Law

recovereth againſt me, I have my Remedy againſt him that ſold it me, to recover in Value, that is, to recover ſo much in Money as the Land is worth, or ſo much other Land by Way of Exchange. *F. N. B. fol.* 134. *To recover a Warranty. Old Nat. Brev. fol.* 146. is to prove by Judgment, that ſuch a Man was his Warrant againſt all Men for ſuch a Thing.

Recoupe, From the French *Recouper*, to cut again; alſo to reply quickly and ſharply to a peremptory Demand; we uſe it to defalk or diſcount. As if a Man hath Ten Pounds iſſuing out of certain Lands, and he diſſeiſes the Tenant of the Land in an Aſſiſe brought by the Diſſeiſee, the Diſſeiſor ſhall *recoupe* the Rent in the Damages.

Recreant, (*French*,) Cowardly, Faint-hearted. See *Cravent. Recreant* was ſo reproachful a Word, that *Glanvile* would not deſcribe it. But *Fleta*, *lib.* 3. *tract.* 2. *cap.* 34. tells us, That *non ſufficit quod appellatus cognoſcat ſocium ſuum ſuiſſe latronem vel aliquid ſimile ad* recreantiam, *niſi dicat verbum illud opprobrioſum quod* recreantus *ſit.* And in *Lib.* 2. *c.* 2. Recreantos *equos* are dull and tired Horſes.

Rectare, To cite a Criminal to Juſtice, or to accuſe a Criminal. *Quo judicio deducendi ſunt illi qui* rectati *ſunt de latrocinio, murdro, incendio, &c.* Hoveden. pag. 655.

Recta priſa Regis, The King's Right to a Prize, or taking of one Butt or Pipe of Wine before the Maſt, and another behind the Maſt, as a Cuſtom for every Ship laden with Wines. King *Edw.* 1. in a Charter of many Privileges to the Barons of the Cinque Ports, diſcharged them of this Duty.——— *Quod de propriis vinis ſuis de quibus negotiantur quieti ſint de* recta priſa *noſtra, videlicet, de uno dolio vini ante malum & alio poſt malum.*——— Placit. temp. Ed. 1. & Ed. 2. MS. penes Dom. Fountaines.

Rectatio, Claim of Right, or Appeal to Law for Recovery of it.——— *Totam Parochiam & decimam abſque omni calumpnia &* rectatione *conceſſit.* Cartular. Radinges, MS. f. 193 a.

Rectatus. *Spelman* interprets it *Suſpectus, ad rectum vocatus. Officium Coronatoris edit.* Anno 3 E. 1.——— *De Theſauro invento debet Coronator inquirere qui fuerint Inventores & ſimiliter quis inde* rectatus *eſt, & hoc poteſt ſcire eo quod vixerit delicate, & tabernam frequentat, & diu ſic ſe habuit, pro tali ſuſpicione attachiari debent, &c.* See *Bracton*, 123. *num.* 8. where he uſes *rectum* for *accuſatum.*

Rectitude, Rectitude, Rights, legal Dues.——— *Si quis Dei* rectitudines *per vim deforciat, emendet, i. e.* If any one does violently detain the Rights of God, (Tithes and Oblations) let him be fined or amerced, to make full Satisfaction. *Leges Hen.* 1. *cap.* 6.——— *Nec ob ſecuritatem pacis adeptam detinerent* rectitudines *vel ſervitia Dominorum ſuorum.* Leg. Edw. Confeſ. cap. 30.

Recto. *Requirere de* recto, To cite one to Juſtice. *Leg. Hen.* 1 *cap.* 43.

Recto Is a Writ of Right, which is of ſo high a Nature, that whereas other Writs in real Actions are only to recover the Poſſeſſion of the Land or Tenements in Queſtion, which have been loſt by our Anceſtor or our ſelves; this aimeth to recover both the Seiſin which ſome of our Anceſtors or we had, and alſo the Property of the Thing whereof the Anceſtor died not ſeiſed, as of Fee; and whereby are pleaded and tried both their Rights together, *viz.* as well of Poſſeſſion as Property: So that if a Man once loſe his Cauſe upon this Writ, either by Judgment, Aſſiſe or Battel, he is without all Remedy, and ſhall be excluded *per exceptionem rei judicata.* Bracton, *lib.* 5. *tract.* 1. *cap.* 1. *& ſeq.* It is divided into Two Kinds, 1. *Rectum Patens*, a Writ of Right Patent, and *Rectum Clauſum*, a Writ of Right Cloſe. This the *Civilians* call *Judicium Petitorum.* The *Writ of Right Patent* is ſo called, becauſe it is ſent open, and is in Nature the higheſt Writ of all other, lying always for him that hath Fee-ſimple in the Lands or Tenements ſued for, and not for any other. And when it lieth for him that challengeth Fee-ſimple, and in what Caſes, ſee *F. N. B. fol.* 1. 6. where he ſpeaks of a *ſpecial Writ of Right* in *London*, otherwiſe called a *Writ of Right*, according to the Cuſtom of *London.* This Writ alſo is called *Breve Magnum de Recto.* Reg. Orig. fol. 9. and *Fleta*, *lib.* 5. *cap.* 32. *ſect.* 1. A *Writ of Right Cloſe*, is a Writ directed to a Lord of *Antient Demeſne*, and lieth for thoſe which hold their Lands and Tenements by Charter in Fee-ſimple, or in Fee-tail, or for Term of Life, or in Dower, if they be ejected out of ſuch Lands, *&c.* or diſſeiſed: In this Caſe a Man, or his Heirs may ſue out this *Writ of Right Cloſe*, directed to the Lord of the *Ancient Demeſne*, commanding him to do him Right, *&c.* in his Court. This is called *Breve parvum de recto.* Reg. Orig. fol. 9. and *Britton*, *cap.* 120. *in fine*, alſo *F. N. B. fol.* 11. *& ſeq.* Yet note, That the Writ of Right Patent ſeemeth farther to be extended in Uſe than the original Intention; For a *Writ of Right Dower*, which lies for the Tenant in Dower, and only for Term of Life, is *Patent*, as appears by *F. N. B. fol.* 7. The like may be ſaid in divers other Caſes, of which ſee the Table of the *Regiſter Original*, verbo *Recto.* This Writ is properly tried in the Lord's Court between Kinſmen that claim by one Title from their Anceſtor. But how it may be thence removed, and brought either to the County, or to the King's Court, ſee *Fleta*, *lib.* 6. *cap.* 3, 4. *&* 5. *Glanvile* ſeems to make every Writ, whereby a Man ſues for any Thing due unto him, a Writ of Right, *lib.* 10. *cap.* 1. *lib.* 11. *cap.* 1. and *lib.* 12. *cap.* 1.

SCiant ——— *Quod ego Jurdanus de Ludeford abjuravi, quietum clamavi & remiſi Roberto de Mappenor & hæredibus ſuis de me & hæredibus meis in præſentia Domini Roberti de Mortuomari in Curia de* Bureford *clameum meum & totum jus quod dicebam me habere, vel quod habere potui in villa de* Butona *cum pertinentiis ſuis, unde traxi dictum Robertum in placitum in eadem Curia de* Bureford per breve *Domini Regis Henrici filii Regis Johannis* de Recto, *&c.* Sine dat. penes Edw. Harley Mil. Bal.

Recto de dote Is a *Writ of Right of Dower*, which lieth for a Woman that hath received Part of her Dower, and purpoſes to demand the Remainder in the ſame Town, againſt the Heir, or his Guardian, if he be a Ward. Of this ſee more in *Old Nat. Brev. fol.* 5. and *Fitzherbert*, *fol.* 7. *Reg. Orig. fol.* 3. and the *New Book of Entries*, verb. *Droyt.*

Recto de dote unde nihil habet Is a *Writ of Right*, which lies in Caſe where the Husband having divers Lands or Tenements, hath aſſured no Dower to his Wife, and ſhe thereby is driven to ſue for her Thirds againſt the Heir, or his Guardian. *Old Nat. Brev. fol.* 6. *Reg. Orig. f.* 170.

Recto de rationabili parte Is a Writ that lies always between privies of Blood, as Brothers in *Gavelkind*, or Sisters, or other Copareeners; as Nephews or Nieces; and for Land in Fee-simple. For Example, If a Man lease his Land for Term of Life, and afterwards dies, leaving Issue Two Daughters, and after that the Tenant for Term of Life dieth also, the One Sister entring upon all the Land, and so deforcing the other; the Sister so deforced shall have this Writ to recover Part. *F. N. B. fol. 9. Reg. Orig. fol. 3.*

Recto quando Dominus remisit Is a *Writ of Right*, which lies in Case where Lands or Tenements that be in the Seigniory of any Lord, are in Demand by a *Writ of Right*; for if the Lord hold no Court, or otherwise at the Prayer of the Demandant, or Tenant, shall send to the Court of the King his Writ, to put the Cause thither for that Time, (saving to him at other Times the Right of his Seigniory) then this Writ issues out for the other Party, and hath the Name from the Words contained, being the true Occasion thereof: This Writ is *close*, and must be returned before the Justices of the *Common Bank*. Old Nat. Brev. f. 16. Reg. Orig. f. 4.

Recto de Advocatione Eccleſiæ Is a *Writ of Right*, lying where a Man hath Right of *Advowson*, and the Parson of the Church dying, a Stranger presents his Clerk to the Church, and he not having brought his Action of *Quare impedit*, nor *Darrein Presentment* within Six Months, but suffered the Stranger to usurp upon him. And this Writ he only may have that claimeth the *Advowson* to himself, and to his Heirs in Fee. And as it lies for the whole *Advowson*, so it lies also for the Half, Third or Fourth Part. *Old Nat. Brev. fol. 24. Reg. Orig. fol. 29.*

Recto de cuſtodia terræ & hæredis Was a Writ that lay for him whose Tenant holding of him in Chivalry, died in Nonage, against a Stranger that entered upon the Land, and took the Body of the Heir; but by the Statute of 12 *Car. 2. cap.* 24. it is become useless as to Lands holden *in Capite*, or by *Knights-Service*, but not where there is Guardian in *Socage*, or appointed by the last Will and Testament of the Ancestor. The Form of it, see in *F. N. B. fol.* 139. and *Reg. Orig. fol.* 161.

Recto ſur Diſclaimer Is a Writ that lies where a Lord in the King's Court of Common Pleas avows upon his Tenant, and the Tenant *disclaimeth* to hold of him; upon which *Disclaimer* he shall have this Writ, and if the Lord aver and prove, that the Land is holden of him, he shall recover the Land for ever. *Old Nat. Brev. fol.* 150. which is grounded upon the Statute of *Westm.* 2. *cap.* 2.

Rector Is both *Latin* and *English*, signifying a Governor; and *Rector Ecclesiæ parochialis* is he that hath the Charge or Cure of a Parish-Church, *Qui tantum jus in Ecclesia Parochiali habet, quantum Prælatus in Ecclesia Collegiata:* It has of late been over-ruled, that *Rector Ecclesiæ Parochialis* is he that hath a *Parsonage* where there is a *Vicaridge* endowed; and he that hath a *Parsonage* without a *Vicaridge*, is called *Persona*; but this Distinction seems to be new and subtile. *Bracton* certainly uses it otherwise, *lib.* 4. *tract.* 5. *cap.* 1. in these Words, *Et sciendum quod* rectoribus *Ecclesiarum parochialium competit Assisa qui instituti sunt per Episcopos & Ordinarios ut Personæ*; where it is plain, that *Rector* and *Persona* be confounded. Observe also these Words there following, *Item dici possunt* Rectores *Canonici de Ecclesiis Prebendatis. Item dici possunt* Rectores *vel quasi Abbates, Priores & alii, qui habent Ecclesias ad proprios usus.* See *Vicar.*

Rectory, *Rectoria*, Is taken for an entire Parish-Church, with all its Rights, Glebes, Tithes, and other Profits whatsoever. *Spelman.* The Word *Rectoria* was often used for the *Rector's Manse*, or *Parsonage-House*. See *Paroch. Antiq. p.* 549.

Rectum, *Commune Rectum*, A Trial at Law, or in common Course of Law. *Stare ad* rectum, to stand Trial. ——— *Præterea præcepit, quod omnes alii qui capti fuerant, qui non erant retenti per* commune Rectum *comitatus vel hundredi, vel per appellationem, essent quieti; & illi qui per* commune Rectum *sunt retenti, si plegios invenire possunt* standi ad rectum, *siquis adversus eos loqui voluerit, liberentur.* ——— *si autem per appellationem rectati sunt, si fecerint pacem cum adversariis suis, redeant ad pacem.* Hovedeni Annal. Pars. poster. fol. 373.

Rectum, (*Esse ad* Rectum *in Curia Domini*,) The same with *Stare ad* Rectum. *Leg. H.* 1. *cap.* 43, 55.

Rectum (*Stare ad* Rectum) Is to stand or abide the Justice of the Court *Si plegios standi ad* rectum *invenire possunt.* Hoveden, pag. 655.

Rectum rogare, To petition the Judge to do Right. *Si quis sibi* Rectum roget *coram aliquo schirmanno vel alio judice, & habere non possit.* Leg. Inæ, cap. 9.

Rectus in Curia Is *verbatim*, right in Court, and signifies one that stands at the Bar, and no Man objects any Thing against him. *Smith de Republ. Angl. lib.* 2. *cap.* 3. We take it also, that when a Man is outlawed, he is *extra legem positus*; So when he hath reversed the Outlawry, and can participate of the Benefit of the Law, he is *Rectus in Curia.*

Reculver. See *Regulbium.* This was a Castle of the *Romans.*

Red Is an old Word, signifying Advice. From the Sax. *Raed, Consilium.*

Redbana Is one who advised the Death of another. See *Dedbana.*

Red Book of the Exchequer, *Liber rubeus Scaccarii.* A Manuscript Volume of several Miscellany Treatises, in the Keeping of the King's Remembrancer in the Office of *Exchequer.* It has some Things (as the Number of the Hides of Land in many of our Counties, &c.) relating to the Times before the Conquest. The Ceremonies used at the Coronation of Queen *Eleanor*, Wife to King *Henry* 3. are there at large. There is likewise an exact Collection of the Escuages under *Hen.* 2. *Rich.* 1. and King *John*, compiled by *Alexander de Swereford* Archdeacon of *Salop*, and Treasurer of St. *Paul's*, who died in the Year 1246. 31 *H.* 3. See Mr. *Nicholson's* very useful Work, *Hist. Library, Part* 3. *p.* 100.

Reddendum Is used substantively for the Clause in a Lease, &c. whereby the Rent is reserved to the Lessor. *Co. lib.* 2. *fol.* 72. *Cromwell's* Case.

Redditarium, A Rental, a Book or Roll, wherein the Rents and Services of a Manor, or other Estate, are set down. ——— *Memorandum quod in* Redditario *de Lyndhurst super redditu ballivæ de Goddeshall irrotulatur, &c.* Cartular. Radinges, MS.

Reddituarius, A Renter, a Tenant. ——— *Possit colligere & percipere totam præfatam pecuniam*

ſecundum quod extrahi fecimus de rotulo Redditariorum *noſtrorum.* Cartular. Abbat. Glaſton. MS. fol. 92. b.

Reddition, A judicial Confeſſion and Acknowledgment, that the Land or Thing in Demand belongs to the Demandant, or at leaſt not to the Perſon ſo ſurrendring. Statute 34, 35 *H.* 8. *cap.* 24.

Rede, *La Rede. Memorandum quod octo virgatæ terræ integræ debent arare octo aras terræ (pro Domino) & ſeminare proprio frumento, & herciare, quæ vocatur* la Rede. Lib. Niger. Hereford, fol. 106.

Redecima, *i. e.* The Tenth of the Tenth. *Decimationem omnium molendinorum in Anglia, &* redecimationem *omnium caſeorum ſuorum ubicunque fiant in Anglia.* Monaſt. 2 Tom. fol. 199.

Redemptio, A Ranſom, or Commutation. By the old *Saxon* Laws, a Man convicted of a Crime paid ſuch a Fine, according to his Ability, or the Eſtimation of his Head, *Pro* redemptione *ſua*, or *ad* redemptionem.

Redevable, *i. e.* Bound, or obliged to another for ſome Benefit received. From the Sax. *Redevoir, Debere.*

Redin, Now *Reading* in *Berkſhire.*

Rediſſeiſin, *Rediſſiſina,* Is a *Diſſeiſin* made by him, that once before was made and adjudged to have *diſſeiſed* the ſame Man of his Lands or Tenements; for the which there lies a ſpecial Writ, called a Writ of *Rediſſeiſin. Old Nat. Brev. fol.* 106. *F. N. B. fol.* 188. *New Book of Entries, eodem verbo.* The Puniſhment for *Rediſſeiſin,* ſee in the Statute 52 *H.* 3. *cap.* 8. It is alſo taken for the Writ lying for a *Rediſſeiſin. Reg. Orig.* 206, 207.

Redmans or **Radmans,** *Domeſday in fine* Ceſtreſeire, *Tit. Lanc.* Blaekburne Hundret, *Rex* E. *tenuit* Peneverdant, *Ibi* 11 *Car. ſunt in Dominio & 6 Burgenſes &* 3 Radmans, *&* 8 *vill. &* 4 *bovar.* Theſe *Redmans* may be the ſame with *Radknights,* who, by the Tenure or Cuſtom of their Lands, were to ride with or for the Lord of the Manor, about his Buſineſs or Affairs.

Redubbors, or **Adubbors,** Are thoſe which buy ſtollen Cloth, knowing it ſuch, and change it into ſome other Form or Colour that it may not be known. *Britton, cap.* 29. *Crompton's Vicount, fol.* 193. and 3 *Inſt. fol.* 134.

Re-entry May be deduced from the French *Rentrer, i. rurſus intrare,* to enter again, and ſignifies the Reſuming or Retaking that Poſſeſſion which we had lately forgone. For Example, If I make a Leaſe of Land or Tenement, I do therefore forego the Poſſeſſion; and if I do condition with the Leſſee, that for Non-payment of the Rent at the Day, it ſhall be lawful for me to *re-enter*; this is as much as if I conditioned to take again the Lands, *&c.* into mine own Hands, and to recover the Poſſeſſion by my own Fact, without the Aſſiſtance of Judge, or other Proceſs.

Reere-County. See *Rier-County.*

Re-extent Is a Second *Extent* made upon Lands or Tenements, upon Complaint made, that the former *Extent* was partially performed. *Bro. Tit.* Extents, *fol.* 313.

Refare, To take away or rob. From the Sax. *Reaf, Veſtis,* Lat. *Roba,* from whence we derive Robbery, *i. e. qui Robam rapit.* Leg. H. 1. c. 83. *Si quis mortuum* refabit *armis vel veſtibus, &c. Reaf* alſo in *Saxon* is *Spolium.*

Refectio, A Dinner or Supper. The Word is derived from *Reficio,* to refreſh. Sometimes it is taken as a Duty incumbent to provide Suppers and Dinners, *&c. Et terræ illæ a laborioſis operibus, ab omnibus tributis vel cenſurio, & ab omnibus refectionibus Regum vel principum ſint liberæ.* Du Cange.

Refectory, *Refectorium,* That Place in Monaſteries where the Monks uſed to eat. So the *Halls* in *Colleges and Inns of Courts* may properly be called *Refectories,* Places wherein the Scholars and Students eat and refreſh themſelves.

Referendary, *Referendarius,* Is the ſame as the *Maſters of Requeſt* are to the King among us; they were ſo called by the old *Saxons,* as appears by the Charter of the Endowment of the Monaſtery of St. *Peter* and *Paul* in *Canterbury,* dated *Anno Dom.* 605. where it is thus endorſed, *Ego Augemandus* Referendarius *approbavi. Ego Graphio Comes benedixi, Ego Tangiſilus Regis optimas confirmavi, &c.* And in another Charter of the ſame King, *Teſtibus reverendiſſimo Patre Auguſtino Dorobernenſis Eccleſiæ Archiepiſcopo Primo, &c. Ædbaldo filio meo, Hamigiſilio (Duce Landavi) Augemundo* Referendario, *Hocca comite, &c.* See *Spelman* hoc verbo.

Reflectorium for **Refectorum.** *Inquirendum eſt etiam quantum veſtura boſcorum &* reflectorum *valuit antequam aſſarta facta fuerunt.* Fleta, lib. 2. cap. 41. par. 38.

Refortuncula. *Walſingham* in Ed. 2. *Anno Dom.* 1317. ſaith, *In* Refortuncula *ſua de* Horton latens *vicinis ſimilem injuriam inferebat.*

Refugium, A Sanctuary or Privilege of the Church. *Cum omni ſua libertate &* refugio *Eccleſiæ Sancti Petri de Landavia, &c.* Monaſticon, 3 Tom. pag. 122.

Refullus aquæ, High-Water, or Return of a Stream when it is dammed or ſtopt for the Uſe of a Mill. —— *Cum redundatione aquæ, & octodecim pedes ultra* refullum aquæ, *pro voluntate dictorum Monachorum.* Mon. Angl. Tom. 2. pag. 913.

Refutantia, *Refutatio,* An Acquittance, or Acknowledgment of renouncing all future Claim.—— *De omnibus receptis nomine noſtro* refutantias *ſeu quietantias faciat prout viderit expedire.* Cartular. Abb. Glaſton. MS. fol. 84. b.

Rega. See *Reuga.*

Regales, The King's Servants or Officers. *Cujus temporibus incolæ nullatenus per* Regales *opprimebantur.* Walſingham, Anno 1291.

Regal Fiſhes (*Anno* 1 *Eliz. cap.* 5.) Are *Whales* and *Sturgeons*; ſome add *Porpuſſes.* The King by his Prerogative ought to have every Whale caſt on Shore, or wreeked, in all Places within this Realm, (unleſs granted to Subjects by ſpecial Words,) as a *Royal Fiſh.* The King himſelf ſhall have the Head and Body to make Oil and other Things, and the Queen the Tail to make Whalebones for her Royal Veſtments. *Pat.* 1 *Edw.* 1. *m.* 25. *dorſo.* See *Tract. de Auro Reginæ, pag.* 127.

Regalia *Dicuntur jura omnia ad fiſcum ſpectantia,* ſaith *Spelman.* The Royal Rights of a King, the *Civilians* reckon to be Six; 1. Power of Judicature. 2. Power of Life and Death. 3. Power of War and Peace. 4. Maſterleſs Goods, as Waifs, Eſtrays, *&c.* 5. Aſſeſſments. And 6. Minting of Money. See *Royalties.* Alſo the Crown, Scepter with the Croſs, Scepter with the Dove, St. *Edward's* Staff, Four ſeveral Swords, the Globe, the Orb with the Croſs, and other ſuch

ſuch like Things uſed at the Coronation of our Kings, are called *Regalia*. See the Relation of the Coronation of King *Charles* the Second in *Baker's Chronicle*.

Regalia is ſometimes taken for the Dignity and Prerogative of the King, *viz. Qui impedierunt Regem quo minus poterat exercere quæ ad* Regaliam *& prærogativam ſuam pertinent.* Knighton in Rich. 2.

Regalia is alſo taken for thoſe Rights and Privileges which the Church enjoys by the Grants and other Conceſſions of Kings. And ſometimes it is taken for the Patrimony of the Church; as, *Regalia Sancti Petri, &c.*

It ſignifies alſo thoſe Lands and Hereditaments which have been given by Kings to the Church, *viz. Cepimus in manum noſtram Baroniam &* Regalia *quæ Archiepiſcopus Eborum de nobis tenet.* Pryn. lib. Angl. 2 Tom. pag. 231.

Theſe *Regalia*, whilſt in the Poſſeſſion of the Church, were ſubject to the ſame Services as all other temporal Inheritances; and after the Death of the Biſhop they of Right returned to the King, until he inveſted another with them; which in the Reigns of *William* the Conqueror, and ſome of his immediate Succeſſors, was often neglected or delay'd; and as often the Biſhops complained thereof. This appears in *Ordericus Vitalis, lib.* 10. and in many other Writers in thoſe Days. *Neubrigenſis, lib.* 3. *cap.* 26. tells us, they complained againſt *Henry* 2. for that *Epiſcopatus vacantes & provenientia per iperet commoda, diu vacare voluit, & Eccleſiaſticis potius uſibus applicanda in fiſcum redegit.* So in *Malmsbury, lib.* 1. *de Geſt. pontificum, pag.* 285. See *Beneficium.*

Regale Epiſcoporum, The Temporal Rights and legal Privileges of a Biſhop.—— *Mandatum eſt Roberto di Burgate quod faciat habere Epiſcopo Norwicenſi totum* Regale *quod ad Epiſcopatum ſuum pertinet.* Clauſ. 9. Joh. Brady's Append. to Hiſt. of *England*, p. 108.

Regalia facere Is to do Homage or Fealty when he is inveſted with the *Regalia, viz.* Regalia *pro more iſtius temporis faciens principi* 7 *Kalend. Octobris Cantuariæ aſſedit.* Malmsbury, de geſtis pontificum, pag. 219. de Anſelmo.

Regalis Juſticia.—— *Item prafati Barones* (ſcil. quinq; portuum) *habere debent ut aſſerunt per chartam ſuam* Regalem Juſticiam, *in villa* Gernemuth, *tempore feriæ una cum Ballivo ſeu Præpoſito villæ prædictæ, viz. cognitionem Aſſiſæ panis, ulnarum, ponderum, & aliarum menſurarum, & ſimiliter* voyde ſtrand & Denne *ſecundum conſuetudines ſuas uſitatas, &c.* Rot. Parl. 8 E. 2. num. 262.

Regard, *Regardum* and *Rewardum*, Is borrowed of the French *Regard, i. Aſpectus, Reſpectus*; and though it hath a general Signification of any Care or diligent Reſpect, yet it hath alſo a ſpecial Acceptation, wherein it is only uſed in Matters of the Foreſt; and there Two Ways, One for the Office of *Regarder*, the other for the Compaſs of the Ground belonging to that Office. *Cromp. Jur. fol.* 175, 199. Touching the former, thus ſaith *Manwood* in his *Foreſt Laws, part* 1. *pag.* 194, & 198. *The Eyre, General Seſſions of the Foreſt, or Juſtice-Seat, is to be kept every Third Year; and of Neceſſity before any ſuch Seſſions or Juſtice-Seat can be holden, the* Regarders *of the Foreſt muſt make their* Regard, *and this making of the* Regard *muſt be done by the King's Writ, and the* Regarder *is to go through the whole Foreſt, to ſee and inquire of the Treſpaſſes therein, viz. ad videndum, ad inquirendum, ad imbreviandum & ad certificandum.* Touching the Second Signification, the Compaſs of the *Regarder's* Charge is the whole Foreſt, that is, all the Ground which is Parcel of the Foreſt; for there may be Woods within the Limits of the Foreſt, that be no Parcel thereof, and thoſe be without the *Regard.* Manwood, *part* 2. *cap.* 7. *num.* 4. *Anno* 20 *Car.* 2. *cap.* 3.

HEnricus *Rex Anglorum omnibus Foreſtariis ſuis de Glouceſterſhire, ſalutem. Sciatis me conceſſiſſe & præſenti charta confirmaſſe Eccleſiæ S. Jacobi de Brſtowa (in qua ſepultus eſt Robertus Comes Gloceſtriæ avunculus meus) & Monachis ibidem Deo ſervientibus, pro ſalute mea, & pro animâ ipſius Comitis, quod terra ipſius Eccleſiæ, & Monachorum in ea Deo ſervientium de Ciſeleia, & boſcus ejuſdem terræ, ſint quieta de* Rewardo *& decimationis exigentia pro Eſſartis. Et prohibeo ne inter Aſſarta amodo computetur.* Teſte Roberto Epiſcopo Winton.

Regardant, (*Fr.* ſeeing, marking, vigilant,) As *Villain regardant* was called *Regardant* to the Manor, becauſe he had the Charge to do all baſe Services within the ſame, and to ſee the ſame freed of all Things that might annoy it. *Co. on Lit. fol.* 120. This Word is only applied to a *Villain* or *Neif*, yet in old Books it was ſometimes attributed to Services, *ibid.*

Regarder, *Regardator*, Cometh of the French *Regardeur, i. ſpectator*, and ſignifies an Officer of the Foreſt. *Cromp. Juriſd. fol.* 153. where it is thus defined. A *Regarder* is an Officer of the Foreſt, appointed to ſupervise all other Officers, and was ordained in the Beginning of King *Henry* the Second's Days. *Manwood* thus deſcribes him, A *Regarder* is an Officer of the King's Foreſt, that is ſworn to make the *Regard* of the Foreſt, as the ſame hath been uſed to be made heretofore: And alſo to view and enquire of all Offences or Defaults of the Foreſters, and of all other Officers of the King's Foreſts concerning the Execution of their Offices. This Officer may be made either by the King's Letters Patent, or by any one of the King's Juſtices of the Foreſt, at his Diſcretion, in the General *Eyre*, or at ſuch Time as the *Regard* is to be made, by Virtue of the King's Writ directed to the Sheriff of the County for that Purpoſe. More particulars of the *Regarder's* Office, how he is choſen, and the Form of his Oath, ſee in *Manwood, pag.* 188, 192, 195, 207. In a Charter of *Henry* the Third, to the Maſters, Canons, Brethren, &c. of the Order of the Houſe of *Semplingham*, made in the Eleventh Year of his Reign, it is ſaid, *Et ſint quieti tam ipſi quam homines eorum de miſericordia foreſtæ & de eſ apiis, & de* Rewardo *& vaſto ubicunq; in mariſco de* Reſtovene, &c.

Regenburgi Is a Word uſed in our Hiſtorians, and ſignifies Judges. *Leg. Canuti, cap.* 103. See *Rachimburgii.*

Regio Aſſenſu Is a Writ whereby the King gives his Royal Aſſent to the Election of a Biſhop or Abbot. *Reg. Orig. fol.* 294.

Regiſter, The Writer and Keeper of a Regiſtry; in Lat. *Regiſtrarius. Regiſter* is alſo the Name of a Book, wherein are expreſſed moſt of the Forms of Writs uſed at the Common Law, called the *Regiſter of Writs*, or *of the Chancery*: Of which thus *Spelman*; *Codex dicitur quo Brevia Regia, tam originalia quam judicialia formularum inſcribuntur*; *Hujus Codicis meminit* Weſtm. 2. cap. 24 & 25.

25. This *Regiſter* is one of the moſt antient Books of the Common Law, according to *Coke on Littl. fol.* 159.

Regiſter of the Pariſh Church (*Regiſtrum Eccleſiæ Parochialis*) Is that wherein Baptiſms, Marriages, and Burials, are in each Pariſh every Year orderly regiſtred. Which was laudably inſtituted by the Lord *Cromwel* in *September*, *Anno* 1538, while he was Vicar general to King *Henry* the Eighth.

Regiſtry, *Regiſtrum*, Is properly derived from an old *French* Word *Giſter*, *i. in lecto reponere, ſuo loco conſtituere.* So that *regiſtrum* is properly the ſame with *repoſitorium*, a Place where any Thing is laid up; and from hence publick Books, in which various Things are inſerted, are properly termed *Regiſters*; and accordingly the Office, Books and Rolls, wherein the Proceedings of the Chancery, or any Spiritual Court are recorded. See Mr. *Nicholſon*'s very uſeful *Engliſh* Library, *P.* 3. *pag.* 83.

Regius Profeſſor, (*Anno* 12 *Car.* 2. *cap.* 17.) *Henry* the Eighth founded Five Lectures in each Univerſity, *viz.* Of *Divinity*, *Hebrew*, *Greek*, *Law* and *Phyſick*; The Readers of which Lectures are called in the Univerſity Statutes, *Regii Profeſſores.*

Regni Populi, *Surrey*, *Suſſex*, and the Sea-Coaſts of *Hantſhire.*

Regratery, Regratery, or ſelling out by Retail.——— *Johannes Rex ſtatuit anno* 1199. *quod nullum vinum ematur ad* regratcriam *de vinis quæ appliuerint in Anglia.* Annal. Burton. ſub anno 1199.

Regrator, *Regratarius*, May be deduced from the French *Regrateur*, and ſignifies him that buys Wares or Victuals, on purpoſe to enhance the Prices; formerly ſuch as brought by Great, and ſold by Retail, came under that Notion. 27 *E.* 3. *Stat.* 1. *cap.* 3. But now that Name denotes him that buys and ſells any Wares or Victuals in the ſame Market or Fair, or within Five Miles thereof, whereof ſee the Stat. 5 *E.* 6. *cap.* 14. 5 *Eliz.* 12. and 13 *Eliz.* 25. In the Civil Law ſuch is called *Dardanarius*, *a* Dardano *quodam hujus ſceleris authore*, ſaith *Spelman.* Heretofore both the *Ingroſſer* and *Regrator* were comprehended under the Word *Foreſtaller.* 3 *Inſt.* 195. and as ſuch ſhall be puniſhed. See *Foreſtallers* and *Ingroſſers.*

Regula, The Word is often uſed for the Book of Rules or Orders, or Statutes in a religious Convent. Sometimes for the Martyrology, or Obituary.

Regulars, *Regulares*, Are ſuch as profeſs to live under ſome certain Rule; ſuch as *Monks* or *Canon Regulars*, who ought always to be under ſome Rule of Obedience.

Regulbium, *Reculver* in *Kent.*

Regulus, Subregulus, Are Words often mentioned in the Councils of the Engliſh *Saxons*: The Firſt ſignifies *Comes*, the other *Vicecomes.* But in many Places they ſignify the ſame Dignitary; as in the old Book in the *Archives* of *Worceſter* Cathedral; *Ego Uthedrus de Donante* Regulus *Wicciorum conceſſi fratribus, &c. Licentia Offæ Regis Merciorum.* In another Place the ſame *Uthredus* ſubſcribes himſelf *Subregulus Wigorniæ civitatis.* In another Place *Offa Rex Merciorum*, *Uthredus* Regulus, *Aldredus* Subregulus, *&c.* See *Subregulus.*

Rehabere facias ſeiſinam quando Vicecomes liberavit ſeiſinam de majore parte quam deberet, Is a Writ Judicial. *Reg. Judic. fol.* 13, 51. There is another Writ of this Name and Nature, *fol.* 54.

Rehabilitation, *Rehabilitatio*, *Anno* 25 *H.* 8. *cap.* 21. Is one of thoſe Exactions mentioned in that Statute, to be claimed by the Pope heretofore in *England*, and ſeems to ſignify a *Bull* or *Breve*, for *reinabling* a ſpiritual Perſon to exerciſe his Function, who was formerly diſabled, or a *reſtoring* to a former *Ability.*

Reia, French *Raye*, *i. radius*, *linea*, *tractus.* In *Engliſh* a *Rew* or *Raw.* Prior Lewens, pag. 21. *Omnis Lanceta*, *omnis Toftman*, *& omnis Molman* (*qui non ſedet ſuper Ogeland*) *debent ſpargere unam* reiam de fiens, *&c.* that is, ſaith *Spelman* in his *Gloſſary*, *unum ſtrigam*, *tractum vel verſum ſtercoris*, Anglice *a Rew of Muck or Dung*, *ad ſtercorandum terras Domini.*

Rejoinder, *Rejunctio*, Signifies an Anſwer or Exception to a Replication; for Firſt the Defendant puts in an Anſwer to the Plaintiff's Bill, which is ſometimes called *an Exception.* The Plaintiff's Anſwer to that is called a *Replication*, and the Defendant's to that a *Rejoinder*, eſpecially in Chancery. *Weſt. Symbol. part* 2. *Tit.* Chancery, *ſect.* 56. The *Civilians* call it *Duplicatio*, of which *Spigelius* hath theſe Words, *Eſt autem rejunctio ſeu Duplicatio vel allegatio*, *quæ datur reo ad infirmandam replicationem actoris & confirmandam exceptionem rei.*

Reippus, *Precium viduæ emptæ Matrimonii cauſa. A quo forte* (ſaith *Spelman*) *lex noſtra antiqua de maritagiis viduarum ſumſerit initium*, *forma licet diverſa.* And it may ſeem to be derived from the Saxon *Rippan vel rypan*, *i. metere*, *rapere*, *colligere*, *quaſi id quod capitur vel colligitur ob maritandas viduas.*

Reif, According to *Skene*, *Leg. Alexandri R. C.* 2. *paragr.* 3. ſignifies *Robbery*, and may be derived from the Saxon *Reaf*, *rapina*, *Reafian*, *ſpoliare*, as both from the Latin *rapere.*

Riens per diſcent Is a Form of Pleading, when an Heir is ſued for a Debt of his Anceſtor, and he hath not *Aſſets* in his Hand, nor any Lands liable to be extended.

Rekpenis. Conſtit. Rob. Dunelm. Epiſc. Anno 1276. cap. 3. *Porro huic Sanctioni adjicimus*, *quod ſi plures liberi proprium habentes*, *in parentum pariter familia vivant*, *ad denarios qui vocantur* Rekpenis *minime arceantur*, *cum ſi communiter intrinſecis aluntur a parentibus*, *ſic in extrinſecis ab eiſdem latentur pariter ſe defendi.*

Relation, *Relatio*, *idem quod fictio Juris*, To make a Nullity of a Thing from the Beginning (for a certain Intent) which had Eſſence. *Co. lib.* 3. *fol.* 28. *Butler* and *Baker*'s Caſe: But more plainly thus, *Relation* is, where, in Conſideration of Law Two Times, or other Things are conſidered ſo as if they were all one; and by this the Thing ſubſequent is ſaid to take his Effect by *Relation* at the Time preceding. As if *A.* deliver a Writing to *B.* to be delivered to *C.* as the Deed of *A.* when *C.* hath paid a Sum of Money. Now when the Money is paid, and the Writing delivered, this ſhall be taken as the Deed of *A.* at the Time when it was firſt delivered. So Bills of Parliament, to which the King aſſents on the laſt Day of Parliament, ſhall relate and be of Force from the firſt Day of the Beginning of the Parliament, and ſo it is of divers other like Things.

Relaration, Releaſe, or Diſcharge, and ſometimes only Mitigation. —— *Relaxation* of an Attachment in the Court of Admiralty. *Stat.* 22, 23. *Car.* 2.

Releaſe, *Relaxatio*, Is an Inſtrument whereby Eſtates, Rights, Tithes, Entries, Actions, and other Things, be ſometimes extinguiſhed, ſometimes transferred, ſometimes abridged, ſometimes enlarged. *Weſt. Symbol. part* 1. *lib.* 2. *ſect.* 509. and there is a *Releaſe in Fact*, and a *Releaſe in Law*. Perkins's *Grants*, 71. A *Releaſe in Fact*, is that which the very Words expreſly declare. A *Releaſe in Law*, is that which doth acquit by Way of Conſequence or Intendment of Law; an Example whereof you have in *Perkins ubi ſupra*. How theſe are available, and how not, ſee *Littleton* at large, *lib.* 3. *cap.* 8. And of the divers Sorts of *Releaſes*, ſee the *New Book of Entries*, verb. *Releaſe*.

Relegation, *Relegatio*, A baniſhing, or ſending away; as *Abjuration* is a forſwearing of the Realm for ever, ſo *Relegation* is taken for a Baniſhment for a Time only. *Co. on Littl. fol.* 133.

Relief, *Relevamen*, But in *Domeſday*, *Relevatio*, *relevium*, ſignifies a certain Sum of Money which the Tenant holding by Knights-Service, Grand Serjeanty, or other Tenure, for which Homage or legal Service is due; or by Socage, for which no Homage is due; and being at full Age at the Death of his Anceſtor, paid unto his Lord at his Entrance. *Mag. Chart. cap.* 2. and 31 *E.* 1. *ſtat.* 1. *Bracton*, *lib.* 2. *cap.* 36. affirms, That it is called a *Relief*, *quia hæreditas quæ jacens fuit per anteceſſoris deceſſum*, *relevatur in manus hæredum*, *& propter factam* relevationem, *facienda erit ab hærede quædam Præſtatio quæ dicitur* relevium; and *Britton*, *cap.* 69. Of this alſo ſpeaks the *Grand Cuſtumary* of *Normandy*, *cap.* 34. *The Lord of the Fee ought to have* Relief *of the Lands, which are held of him by Homage, when thoſe die of whom he had Homage.* *Hotoman* in his *Commentaries*, *De verbis Feudalibus*, verb. *Relevium*, defines it thus, Relevium *eſt honorarium*, *quod novus vaſſallus Patrono introitus cauſa largitur*, *quaſi morte vaſſalli alterius vel alio quo caſu feudum ceciderit*, *quod jam a novo ſublevetur.* What a legal and juſt *Relief* was in the Time of *Hen.* 2. appears partly from *Glanvile*, *lib.* 9. *cap.* 4. *Dicitur autem rationabile* relevium *alicujus juxta conſuetudinem Regni*, *de feodo unius militis centum ſolid. de Socagio vero quantum valet cenſus illius ſocagii per unum annum*; *De Baroniis vero nihil certum ſtatutum eſt*, *quia juxta voluntatem & miſericordiam Domini Regis ſolent Baroniæ capitales de* Releviis *ſuis Domino Regi ſatisfacere.* But it was more certainly ſet out afterwards by *Magna Charta* in theſe Words, *Si quis Comitum vel Baronum noſtrorum*, *ſive aliorum tenentium*, *de nobis in Capite per ſervitium militare mortuus fuerit*, *& cum deceſſerit hæres ejus plenæ ætatis fuerit*, *&* Relevium *nobis debeat*, *habeat hæreditatem ſuam per antiquum* relevium, *ſcil. Hæres vel hæredes Comitis de integro Comitatu per centum libras*; *hæres vel hæredes Baronis de Baronia integra*, *per centum marcas*; *hæres vel hæredes militis de feodo militis integro*, *per centum ſolidos ad plus*; *& qui minus habuerit*, *minus det*, *ſecundum antiquam conſuetudinem feodorum.* See *Old Nat. Brev. fol.* 94. *Kitchin*, *fol.* 134. *cap. Relief*, and *Glanvile*, *lib.* 7. *cap.* 9. See *Herict. Skene de verbor. ſignif. verb.* Relevium, ſaith, *Relief* is a *French* Word, from the Latin *relevare*, which is to relieve, or take up that which is fallen; for it is given by the Tenant or Vaſſal that is of perfect Age, after the Expiring of the Wardſhip to his ſuperior Lord, of whom he held his Lands by Knights-Service, that is, by Ward and *Relief*: For by Payment thereof he relieves, and, as it were, raiſeth up again his Lands after they were fallen down into his Superior's Hands, by Reaſon of Wardſhip, *&c.* See him at large. See 12 *Car.* 2. *cap.* 24.

Relief is otherwiſe thus explained, *viz.* A feudatory or beneficiary Eſtate in Lands, was at firſt granted only for Life, and after the Death of the Vaſſal it returned to the Chief Lord, for which Reaſon it was called *feudum caducum*, *viz.* fallen to the Lord by the Death of the Tenant; afterwards theſe feudatory Eſtates being turned into an Inheritance by the Connivance and Aſſent of the Chief Lord, when the Poſſeſſor of ſuch an Eſtate died, it was called *hæreditas caduca*, *i. e.* it was fallen to the Chief Lord, to whom the Heir having paid a certain Sum of Money, he did then *relevare hæreditatem caducam* out of his Hands; and the Money thus paid was called a *Relief*. This muſt be underſtood after the Conqueſt; for, in the Time of the *Saxons*, there were no *Reliefs*, but *Heriots* paid to the Lord at the Death of his Tenant, which in thoſe Days were Horſes, Arms, *&c.* and ſuch Tributes could not be exacted of the *Engliſh* immediately after the Conqueſt, for they were deprived of both by the *Normans*; and inſtead thereof, in many Places, the Payment of certain Sums of Money was ſubſtituted, which they called a *Relief*, and which continues to this Day.

Relief reaſonable: It is likewiſe ſometimes called *lawful* and *antient Relief*, which is enjoined by ſome Law, or becomes due by Cuſtom, and doth not depend upon the Will of the Lord, *viz.* In a Charter of King *John*, mentioned by *Mat. Pariſ. pag.* 178. *Si quis Comitum vel Baronum noſtrorum*, *ſive aliorum tenentium de nobis in Capite*, *per ſervitium militare*, *mortuus fuerit*, *& cum deceſſerit hæres ſuus plenæ ætatis fuerit*, *&* relevium *debeat*, *habeat hæreditatem ſuam per antiquum* relevium: And what that was we may read in the Laws of *William* the Conqueror, *cap.* 22. and of *Hen.* 1. *cap.* 14. and before that Time, in the Laws of *Canutus*, *cap.* 97. *viz.* The *Relief* of an Earl was Eight War-Horſes with their Bridles and Saddles, Four *Loricas*, Four Helmets, Four Sheilds, Four Pikes, Four Swords. Four hunting Horſes and a Palfrey with their Bridles and Saddles: The *Relief* of a Baron or *Thane* was four Horſes, Two with Furniture, and Two without, Two Swords, Four Lances, Four Shields and an Helmet, *cum lorica*, and Fifty Marks in Gold. The *Relief* of a *Vavaſor* was his Father's Horſe, his Helmet, Sheild, Lance and Sword, which he had at his Death. The *Relief* of a Villain or a Countryman was his beſt Beaſt, *&c.*

Religious Men, *Religioſi*, Are ſuch as enter into a Monaſtery or Convent, there to live devoutly. In antient Deeds of Sale of Land, we often find the Vendee reſtrained from giving or alienating it *Viris* religioſis *vel Judæis*, to the End the Land might not fall into *Mortmaine*. See *Judaiſm*. *Rex Vicecom. &c. Præcipimus tibi quod clamari facias ſine dilatione per comitatum tuum quod nulli, ſicut diligunt corpora & catalla ſua, malum faciant vel dicant* viris religioſis & clericis *contra pacem noſtram: Et ſi quem inde attingere poſſimus, ad proximam quercum eum ſuſpendi faciemus.* T. meipſo

ipſo apud Marlebergh, ix Apr. *Clauſ.* 9. *Joh. m.* 3.

Religious Houſes, *Religioſæ Domus*, Are Houſes ſet a-part for pious Uſes, ſuch as are *Monaſteries*, *Churches*, *Hoſpitals*, and all other Places where Charity is extended to the Relief of the Poor and Orphans, or for the Uſe or Exerciſe of Religion. See *Notitia Monaſtica*, or a ſhort Hiſtory of the religious Houſes in *England* and *Wales*, by *Thomas Tanner*, *Octavo*, who in an Alphabetical Order of Counties, has accurately given a full Account of the Founders, the Time of Foundation, the tutelar Saints, the Order, the Value at the Diſſolution, with Reference to printed Authors, and Manuſcripts that preſerve any Memoirs relating to each Houſe; with a learned and judicious Preface of the Inſtitution of religious Orders, &c.

Reliques, *Reliquiæ*, Are ſome Remainders of Saints that are dead, preſerved by ſome living with great Veneration, as ſacred Memorials of them; forbidden to be uſed or brought into *England* by ſeveral of our later Statutes.

Remainder, *Remanentia*, Is an Eſtate limited in Lands, Tenements or Rents, to be enjoyed after the Expiration of another particular Eſtate. For Example, A Man may let to one for Term of his Life, and the Remainder to another for Term of his Life. *Lio. cap. Atturnment*, *fol.* 133. And this Remainder may be either for a certain Term, or in Fee-ſimple, or Fee-tail, as appears by *Broke*, *Tit.* Donee & Remainder, *fol.* 245. and *Glanvile*, *lib.* 7. *cap.* 1. where, towards the End, he hath theſe Words, *Notandum quod nec Epiſcopus nec Abbas, quia eorum Baroniæ ſunt de Eleemoſyna Domini Regis & Anteceſſorum ejus, non poſſunt de Dominicis ſuis aliquam partem dare ad remanentiam ſine aſſenſu & confirmatione Domini Regis*, where it appears, that *Dare ad remanentiam* is to give away for ever; and again, *cap.* 9. In like Sort doth *Bracton* uſe it, *lib.* 2. *cap.* 23. and *lib.* 4. *tract.* 2. *cap.* 4. *num.* 4. and the *New Book of Entries*, verb. *Remainder*. The Difference between a *Remainder* and Reverſion, according to *Spelman*, is this, That by a *Reverſion*, after the appointed Term, the Eſtate returns to the Donor, or his Heirs, as the proper Fountain; whereas by *Remainder* it goes to ſome Third, or a Stranger.

Remanentes, *Remanſi*, Theſe Words are uſed in the Regiſter of *Domeſday*, to ſignify pertaining or belonging. As *de hominibus qui huic manerio remanſi ſunt*, *i. e.* Of the Men or Tenants belonging to this Manor.

Remembrancers of the Exchequer, *Rememoratores Scaccarii*, Are Three Officers or Clerks there, One called *The King's Remembrancer*, 25 Eliz. cap. 5. The Second, *The Lord Treaſurer's Remembrancer*, upon whoſe Charge it lies, to put the Lord Treaſurer and the Reſt of the Judges of that Court in *Remembrance* of ſuch Things as are to be called on, and dealt in, for the King's Behoof. The Third is called *The Remembrancer of the Firſt-Fruits*. 5 R. 2. ſtat. 1. cap. 14, 15. Theſe in 37 *E.* 3. *cap.* 4. be called *Clerks of the Remembrance*. *The King's Remembrancer* Enters in his Office all Recogniſances taken before the Barons for any the King's Debts, or for Appearances, or for obſerving of Orders: He takes all Bonds for the King's Debts, for Appearance, or for obſerving Orders, and maketh out Proceſs for the Breach of them. He writes Proceſs againſt the Collectors of Cuſtoms, Subſidies, and Fifteenths, for their Accounts: All Informations upon penal Statutes are entred in his Office, and there all Matters upon *Engliſh* Bills in the Exchequer-Chamber remain: He makes the Bills of Compoſitions upon penal Laws, takes the Stalment of Debts, has delivered into his Office all Manner of Indentures, Fines, and other Evidences whatſoever, that concern the aſſuring of any Lands to the Crown: He every Year, *in Craſtino animarum*, reads in open Court the Statute for Election of Sheriffs, and gives them their Oath; and he reads in open Court the Oath of all the Officers of the ſame when they are admitted, beſides many other Things. *The Lord Treaſurer's Remembrancer* makes Proceſs againſt all Sheriffs, Eſcheators, Receivers and Bailiffs, for their Account. He makes Proceſs of *Fieri facias* and *Extent* for any Debts due to the King either in the Pipe, or with the Auditors; makes Proceſs for all ſuch Revenue as is due to the King, by Reaſon of his Tenures: He makes a Record, whereby it appears, whether Sheriffs or other Accountants pay their *Profers* due at *Eaſter* and *Michaelmas*. He makes another Record, whether Sheriffs and other Accountants keep their Days of Prefixion. All Eſtreats of Fines, Iſſues and Amerciaments, ſet in any Courts at *Weſtminſter*, or at the Aſſiſes or Seſſions, are certified into this Office, and are by him delivered to the Clerk of the Eſtreats, to write Proceſs upon them, &c. There are alſo brought into his Office all the Accounts of Cuſtomers, Controllers and other Accountants, to make Entry thereof on Record. See the *Repertory of Records*, *fol.* 121. The *Remembrancer of the Firſt-Fruits* takes all Compoſitions and Bonds for Firſt-Fruits and Tenths, and makes Proceſs againſt ſuch as do not pay the ſame.

Remitter, *Remittere*, To reſtore, in a legal Senſe intends a Reſtitution of one that hath Two Titles to Lands or Tenements, and is ſeiſed of them by his later Title, which proving defective, he is reſtored to the former and more antient Title. *F. N. B. fol.* 149. *Dyer*, *fol.* 68. *num.* 22. In what Caſe this may be granted, ſee *Bro. Tit.* Remitter. And in *Doctor and Student*, *cap.* 9. *fol.* 19. it is ſaid, that if Land deſcend to him that hath Right to that Land before, he ſhall be *remitted* to his better Title, if he will. See *Terms de la Ley* on this Word, and the *New Book of Entries*, and *Co. on Lit. lib.* 3. *cap.* 12.

Renant, *Anno* 32 *H.* 8. *cap.* 2. But it may be ſuppoſed a Miſtake for *Reniant*, *i. Negans*, Participle of the *French* Verb *Renier*, *negare*.

Render Cometh of the French *Rendre*, *i. reddere*, *retribuere*, and ſignifies with us the ſame Thing. For Example, this Word is uſed in levying of a *Fine*, which is either *ſingle*, whereby nothing is granted or *rendered* back again by the Cogniſee to the Cogniſor; or *double*, which containeth a Grant or *Render* back again of ſome Rent, Common, or other Thing, out of the Land it ſelf to the Cogniſor, &c. *Weſt. Symbol. part* 2. *Tit.* Fines, *ſect.* 21. and 50. Alſo there be ſome Things in a Manor that lie in *Prender*, that is, which may be taken by the Lord or his Officer, when they chance, without any Offer made by the Tenant, as Eſcheats, and the like; and ſome that lie in *Render*, that is, muſt be delivered or anſwered by the Tenants, as Rents, Reliefs, Heriots, and other Services, *ibid. ſect.* 126. Alſo ſome Service conſiſts in Seiſance, ſome in *Render*. *Perkins's Reſervations* 696.

Rendualis,

Rendualis, Money which is paid every Year, *Anglice* Rent. *Mille solidos* Rendualium *seu Annualium.* Du Cange.

Renegate, Which we corruptly call *Runnegate*, is one who was a Christian, and afterwards *negat Christum:* It is mentioned in *Hoveden*, *Anno* 1192. by the Name of *Reneez*, *viz. Et cepit in equitatione illa* 24 *paganos*, & *unum Reneez qui quondam Christianus fuerat*, & *Dominum Christum negaverat.*

Renez, A *Renegado*, is derived from the French *Renier*, *renegare*, and is a Title given to such who apostatize from Christianity to *Mahumatism. Hoveden* in *Rich.* 1. *sub Anno* 1122. *Cepit* (saith he) *in equitatione illa* 24 *Paganos* & *unum* Reneez *qui quondam Christianus fuerat* & *Dominum nostrum Jesum Christum negaverat*; & *Rex posuit eum ad sagittandum* & *sagittatus est.*

Renegeld, *Per* Renegeld *Johannes Stanley Arm. Clamat habere de qualibet bovata terræ infra feodum de* Alford 1 d. *exceptis Dominicis terræ*, & *terris in feodo prædicto infra Hundred de Macclesfield.* Rot. Plac. in Itin. apud Cestr. 14 H. 7.

Renovant, From *Renovo*, to renew: *The Parson sued one for Tithes, to be paid of Things* Renovant, *but his Horse being only for Labour and Travel would not* renew, *&c. Cro.* 2 *par. fol.* 430.

Rent, *Reditus*, It is called *redditus* in *Latin*, from *redeundo* because as *Fleta* tells us, *retroit* & *quotannis redit.* Lib. 3. c. 14. and it signifies with us a Sum of Money, or other Consideration issuing yearly out of Lands or Tenements. *Plowden, fol.* 132, 138, 141. *Browning*'s Case; of which there are Three Sorts, *viz. Rent-service, Rent-charge*, and *Rent-seck. Rent-service* is, where a Man holds his Lands of his Lord by Fealty and certain *Rent*, or by Fealty-service, and certain *Rent. Lit. lib.* 2. *cap.* 12. or that which a Man making a Lease to another for Term of Years, reserveth yearly to be paid him for them. In the *Terms of the Law*, this Reason is given for it, because it is at his Pleasure either to distrain, or bring an Action of Debt. *Rent-charge* is, where a Man makes over his Estate to another, by Deed indented, either in Fee, or Fee-tail, or for Term of Life, yet reserves to himself, by the same Indenture, a Sum of Money yearly to be paid to him, with Clause of Distress for Non-payment. See *Littleton ubi supra. Rent-seck*, otherwise a dry *Rent*, is that, which a Man making over his Estate by Deed indented, reserveth yearly to be paid him, without Clause of Distress mentioned in the Indenture. *Lit. ibid.* See the Difference between a *Rent* and an Annuity in *Doctor and Student, pag.* 30. *Dial. primo.* See *Metegavel.*

Rentale Signifies Rent: *Deinde petatur* Rentale *Burgi per quod firmæ perticarum terræ leventur.* Du Cange.

Rents of Assise, *Redditus assisæ, de assisa, vel redditus assisus.* The certain and determined *Rents* of antient Tenants paid in a set Quantity of Money or Provisions; so called because it was assised or made certain, and so distinguished from *redditus mobilis*, variable Rent, that did rise and fall, like the Corn-Rent now reserved to Colleges.

Rents Resolute, *Redditus resoluti*, Are accounted among the Fee-farm *Rents*, to be sold by the Statute of 22 *Car.* 2. *cap.* 6. And are such Rents or Tenths as were antiently payable to the Crown, from the Lands of Abbies and religious Houses; and after their Dissolution, notwithstanding the Lands were demised to others, yet the *Rents* were still reserved, and made payable again to the Crown.

Renusiator. *Et sunt Communes Latrones* & Renusiatores *hominum*, *&c.* Trin. 28 E. 3. Ebor. 37. q.

Reparatione faciendo Is a Writ which lies in divers Cases, whereof one is, where Three be Tenants in Common, or Join-tenants, or *pro indiviso* of a Mill or House which is fallen into Decay, and the one being willing to repair it, the other Two will not: In this Case the Party willing shall have this Writ against the other Two. *F. N. B. fol.* 127. Of the various Uses of it, read *Reg. Orig. fol.* 153.

Repastum, A Repast or Meal, *unum* repastum, one Meal's Meat given to servile Tenants, when they laboured for their Lord.—— *Tenet in bondagio*, & *debet unam wedbedrip pro voluntate Domini*, & *habebit unum* repastum. *Paroch. Antiq. pag.* 401.

Repeal Cometh from the French *Rappell, revocatio*, and hath the same Signification among us; as the *Repeal of a Statute* is the Revoking it. *Rast. Tit.* Repeal. *Broke* useth *Repellance* in the same Sense.

Repleader, (*Replacitare*) Is to plead again that which was once pleaded before. *Rastall, Tit.* Repleader, and *New Book of Entries*, Eodem Tit.

Replegiare Is properly to redeem a Thing detained or taken by another, by putting in legal Sureties. See *Replevin* and *Second Deliverance.*

Replegiare de averiis Is a Writ brought by one whose Cattle are distrained, or put in the Pound, upon any Cause, by another, upon Surety given to the Sheriff to prosecute or answer the Action in Law. *Anno* 7 *H.* 8. *cap.* 4. *F. N. B. f.* 68. See the *Register Orig.* divers Sorts of this Writ in the Table, and also in the *Register Judicial, fol.* 58, 70. The *New Book of Entries, verb. Replevin*, and *Dyer, fol.* 173. *num.* 14.

Replevin, *Plevina*, Is a Derivation of *Replegiare*, to deliver to the Owner upon Pledges, and is the Bringing of the Writ called *Replegiare facias* by him that has his Cattle, or other Goods distrained, by another, for any Cause, and putting in Surety to the Sheriff, that upon Delivery of the Thing distrained, he will prosecute the Action against the Distrainer. *Co. on Lit. lib.* 2. *cap.* 12. *sect.* 219. We read of *Canes replegiati*, Hounds *replevied*, in a Case between the Abbot of St. *Albans*, and *Geoffery Childwick.* 24 *Hen.* 3. Goods may be *replevied* Two Manner of Ways, by Writ, and that is by the Common Law, or by Plaint, and that is by Statute Law, for the more speedy having again of their Cattle and Goods. *Replevy* is also used for the Bailing of a Man. *Staundf. Pl. Cor. fol.* 72, 74. and *Westm.* 1. *cap.* 11. & 15. Replegiare *est reposcere bona mobilia dato apud Prafectum vade sive fide-jussore*; *sane & Anglis breve per quod bona ea reposcerent, to* Replevin, *&c.* Vossius de Vitiis sermonis, lib. 2. cap. 25. See *Skene eod. verbo.*

Replevish, *Replegiare*, Is to let one to Mainprise upon Surety. *Anno* 3 *E.* 1. *cap.* 11.

Replication, *Replicatio*, Is an Exception of the Second Degree, made by the Plaintiff upon the first Answer of the Defendant. *West. Symbol. part* 2. *Tit.* Chancery, *sect.* 55. and *Westm.* 2. *cap.* 36.

It is alſo that which the Plaintiff *replies* to the Defendant's Anſwer in Chancery; and this is either *General* or *Special*. *Special* is grounded upon Matter ariſing out of the Defendant's Anſwer, &c. *General* is ſo called from the general Words therein uſed.

Repoꝛt, *Reportus*, Is a publick Relation of Caſes judicially argued, debated, reſolved, or adjudged in any of the King's Courts of Juſtice, with the Cauſes and Reaſons of the ſame delivered by the Judges. *Co. on Lit. fol.* 293. Alſo when the Chancery, or other Court, refer the Stating of ſome Caſe, or comparing an Account, &c. to a *Maſter of Chancery*, or other Referree, his Certificate therein is called a *Report*.

Repoſition of the Foꝛeſt, *Repoſitio Foreſtæ*, Was an Act whereby certain Foreſt Grounds being made *Purlieu* upon View, were by a Second View laid to the Foreſt again. *Manwood, part* 1. *pag.* 178.

Repoſitus, *i. e.* Secret or private: It is mentioned in *Malmsbury, Lib.* 4. *cap.* 2. *viz. Illud* repoſitum *præpoſitum non ita vulgabatur*.

Repꝛiſals, (*Repriſalia*) From the French *Repriſe*, *i. e. Recaptio, vel captio rei unius in alterius ſatisfactionem*) is all one in the Common and Civil Law. Repriſalia *eſt poteſtas pignorandi contra quemlibet de terra debitoris data creditori pro injuriis & damnis acceptis. Vocabular. utriuſq; juris.* This among the antient *Romans* was called *Clarigatio*, of the Verb *Clarigo, i. res clare repetere*. It is named in the Stat. 27 *E.* 3. *ſtat.* 2. *cap.* 17. *Law of Marque*, becauſe one for Defect of Juſtice in another Territory, redreſſeth himſelf by the Goods belonging to Men of that Territory, taken within his own Bounds.

Repꝛiſes Is commonly taken for Deductions and Duties which are yearly paid out of a Manor and Lands, as *Rent-charge, Rent-ſeck, Penſions, Corrodies, Annuities, Fees of Stewards or Bailiffs*, &c. Wherefore when we ſpeak of the clear yearly Value of a Manor, we ſay it is ſo much *per annum ultra* repriſas, beſides all *Repriſes*.

Repꝛive May be derived from the French *Repris*, that is taken back: So that to *Reprive*, is properly, to take back, or ſuſpend, a Priſoner from the Execution and Proceeding of the Law for that Time.

Repſilver. *Tempore quo villa S. Edmundi nomen & libertatem Burgi accepit, ſolebant Homines de ſingulis domibus dare Cellerario unum denarium in principio Auguſti ad metendum ſegetes noſtras, qui cenſus dicebatur* Repſilver. ——— *Ex Cartular. S. Edmundi MS. penes Joh. Epiſc. Norwic. fol.* 316. From whence, and other Records, it is evident, that the ſervile Tenants were bound to reap for their Lord; and to be excuſed from that Labour, they paid ſome Acknowledgment in Money, as a Compenſation for Diſcharge of the Work, and as a Mark of their former Tenure and Dependance. Which Money was called *Repſilver*, becauſe paid for Exemption from the cuſtomary Duty of *Reaping* for the Lord.

Reputatio, The ſame with *Reſpectus, i. e.* Reſpite or Delay. *Sine* Reputatione *reddat debitum*. Canon. Hibern. lib. 33. cap. 4.

Requeſts, *Curia requiſitionum*, See in *Court*. It is utterly taken away by Act of Parliament; but you may read of it in *Gwin's Preface to his Readings*, and elſewhere. The Place where this Court was held, was antiently called *Camera alba*. Rot. Parl. Anno 17 Ed. 3.

Rere County, ——— *Writs ſhall be delivered in the full County, or* Rere County. *Statute* 2 *Edw.* 3. *cap.* 5. ——— *Et pro Fine Sectæ Curiæ vocat.* Rere Counte. *Comp. tem. Hen.* 6. See *Rier County*.

Reſceit, *Receptio*, Is an Admiſſion, or Receiving a Third Perſon to plead his Right in a Cauſe formerly commenced between other Two. *New Book of Entries, verb. Reſceit.* As if Tenant for Life or Years brings an Action, he in the Reverſion comes in, and prays to be received to defend the Land, and to plead with the Demandant. See *Bro. Tit.* Reſceit, *f.* 205. and *Perkins's Dower*, 448. The *Civilians* call this *Admiſſionem tertii pro ſuo intereſſe. Reſceit* is alſo applied to an Admittance of Plea, tho' the Controverſy be only between Two. See *Broke, Tit. Eſtoppell*, and *Co on Lit. fol.* 192.

Reſceit of Homage, *Receptio Homagii*, Is the Lord's Receiving Homage of his Tenant at his Admiſſion to the Land. *Kitchin, fol.* 148. See *Homage*.

Reſcous, *Reſcuſſus*, Comes from the French *Reſcouſſe*, i. *Liberatio*, is a Reſiſtance againſt lawful Authority; as if a Bailiff, or other Officer, upon a Writ do arreſt a Man, and others by Violence take him away, or procure his Eſcape; this is a *Reſcous in Fact*. So if one diſtrain Beaſts for Damage-feaſant in his Ground, as he drives them in the Highway towards the Pound, they enter into the Owner's Houſe, and he with-holds them there, and will not deliver them upon Demand, this Detainer is a *Reſcous in Law*. *Co. on Lit. lib.* 2. *cap.* 12. *Caſſanæus* in his Book *De Conſuetud. Burg. f.* 294. hath the ſame Word coupled with *reſiſtentia*: It is alſo uſed for a Writ which lies for this Fact called *Breve de Reſcuſſu*, whereof you may ſee both the Form and Uſe in *F. N. B. fol.* 101. *Reg. of Writs, fol.* 125. and *New Book of Entries, verb. Reſcous*. This in ſome Caſes, in Matters relating to Treaſon, is Treaſon; and in Matters concerning Felony, is Felony. *Cromp. Juſt. fol.* 54.

Reſcuſſoꝛ Is he that commits ſuch a *Reſcous*. *Cro. Rep.* 2 *par. fol.* 419.

Reſeiſer, *Reſeiſire*, Is a Taking again of Lands into the Hands of the King, whereof a general Livery, or *Ouſter le maine*, was formerly miſ-ſued, contrary to the Form and Order of Law. *Staundf. Prærog.* 26. See *Reſumption*.

Reſervation, *Reſervatio*, A keeping or providing; as when a Man lets his Land, he *reſerves* a Rent to be paid to himſelf for his Maintenance. Sometimes it ſignifies as much as an Exception; as when a Man lets a Houſe, and *reſerves* to himſelf one Room, that Room is excepted out of the Demiſe. See *Perkins's Reſervations* per totum, and *Terms de la Ley, eodem verbo*.

Reſet, *Skene* hath that in one Place, and *Reſetter* in another Place; in both which he expounds it to ſignify the Receiving or Receiver of a proſcribed or outlawed Perſon, and may be derived from our *Engliſh* Word *Receit*.

Reſiance, *Reſiantia*, Seemeth to come from the French *Reſſeant* or *Reſeant*, Reſident, and ſignifies a Man's Abode or Continuance in a Place. *Old Nat. Brev. fol.* 85. Whence alſo comes the Participle *reſiant*, that is, continually dwelling or abiding in a Place. *Kitchin, fol.* 33. It is all one

one indeed with Reſidence, but that Cuſtom ties this only to Perſons Eccleſiaſtical. *Veteri autem jure noſtro* (ſaith *Spelman*) *etiam & Scotico aliud ſignificat, utpote morbum validum ſeu veteranum, quo quis exire de ſuis ædibus prohibetur:* Eſſonium *agitur quod* de malo lecti *nuncupatur, hoc eſt* excuſatio *quod ratione infirmitatis ſiſtere ſe in foro non valeat,* eſſonium *nuncupant de* reſcantiſa. *Glanvile, lib.* 1. *cap.* 11. *Quando; intervenit* (eſſonium) *ex infirmitate* de reſcantiſa. *Ubi in margine notatur,* eſſonium de reſcantiſa *idem valet quod* eſſonium de malo lecti. And all theſe ſeem to be drawn from the *French*, who ſay, *Exoine de mal* reſſeant. See *Skene de verb. ſignif. verb.* Reſcantiſa.

Reſidence, *Reſidentia*, Is derived from the *Latin* Word *Reſidere*, and is peculiarly uſed both in the Common and Canon Law, for the Continuance or Abode of a Parſon or Vicar upon his Benefice. The Default whereof (except the Party be qualified and diſpenſed with) is the Loſs of Ten Pounds every Month. *Anno* 28 *H.* 8. *cap.* 13.

Reſidens Is a Tenant who is bound *reſidere* on his Lord's Lands, and not to go from thence. *Leg. H.* 1. *cap.* 43. *Quantumcunque de aliis teneat, ei magis obnoxius eſt, & ejus* reſidens *eſſe debet cujus legius eſt.*

Reſignation, *Reſignatio*, Is uſed particularly for the giving up of a Benefice into the Hands of the Ordinary, otherwiſe by the *Canoniſts* termed *Renunciatio.* And though it ſignify all one in Nature with the Word *Surrender*, yet it is by Cuſtom reſtrained to the yielding up a Spiritual Living, and *Surrender* to the giving up of Temporal Lands into the Hands of the Lord. And a *Reſignation* may now be made into the Hands of the King, as well as of the Dioceſan, becauſe he hath *Supremam Authoritatem Eccleſiaſticam*, as the *Pope* had here in Times paſt *Plowden, fol.* 498. *Grendon's* Caſe.

Reſort, or **Reſort**, Is a Word properly uſed in a Writ of *Tail* or *Couſenage*, as *Deſcent* is in a *Writ of Right.* In *French* it ſignifies the Authority or Juriſdiction of a Court, *Salvo tamen tam* reſſorto *quam aliis jure noſtro & etiam jure alieno.* Lit. Pat. Phillippi le Hardy Reg. Franciæ, mentioned by *Spelman* in his Gloſſary. *Dernier reſort*, laſt Refuge.

Reſpectu computi Vicecomitis habendo Is a Writ for the *Reſpiting* of a Sheriff's Account, upon juſt Occaſion; directed to the Treaſurer and Barons of the Exchequer. *Regiſter, fol.* 139 & 179.

Reſpiciare, *i. e.* To conſider. *Knighton* mentions it in a Judgment for High Treaſon, *Anno* 1331. *viz. Omnes articuli ſuperius de dicto Rogero atteſtati veri ſunt & notorii, unde* reſpiciatum *& adjudicatum eſt quid pr. dictus Rogerus ut proditor & inimicus Regis & Regni diſtractus ſit & ſuſpenſus.*

Reſpite, *Reſpectus*, It is uſed for Delay, Forbearance, or Continuance of Time. *Glanvile, lib.* 12. *cap.* 9. in breve Regis. *Præcipio tibi quod poni facias in* reſpectum, *uſq; ad aliquem terminum competentem.*

Reſpite of Homage, *Reſpectus Homagii*, Is the Forbearing of Homage which ought firſt of all to be performed by the Tenant that holdeth by *Homage*; and it had the moſt frequent Uſe in ſuch as held by Knights-ſervice *in Capite*, who did pay into the Exchequer every Fifth Term ſome ſmall Sum of Money, to be *reſpited* the doing of their *Homage.* See the Stat. 12 *Car.* 2. *cap.* 24. whereby this is taken away as a Charge incident or ariſing from *Knights-ſervice*, &c.

Reſpondeat ſuperior, Where the Sheriffs are removeable for Inſufficiency, (as in *London*) *reſpondeat Superior*, that is, the Mayor and Commonalty of *London. Pur inſufficiency del Bayliff d'un liberty*, reſpondeat *Dominus libertatis.* 44 E. 3. 13. 4 Inſt. fol. 114.

Reſponſalis, *Qui* reſponſum *defert.* He who gives an Anſwer, is he that appears for another in Court at a Day aſſigned, concerning whom hear *Glanvile, lib.* 12. *cap.* 1. ——— *Placita in ſuperioribus expoſita* ——— *Proſequi quis poteſt ſicut alia quælibet placita civilia, tam per ſeipſum quam* reſponſalem *ſuo loco poſitum*, &c. But *Fleta* make a Difference between *attornatum, eſſoniatorem & reſponſalem, lib.* 6. *c.* 11. *ſect. Officium.* As if *eſſoniator* came only to declare the Cauſe of the Party's Abſence, whether Demandant or Tenant; and *Reſponſalis* came for the Tenant not only to excuſe his Abſence, but alſo ſignify what Trial he meant to undergo, *viz.* the Combat or the Country. A Man in antient Time could not appoint an Attorney for him, without Warrant from the Court. *Fleta, lib.* 6. *cap.* 13. See *Attorney.* This Word is uſed in the Canon Law, & *ſignificat Procuratorem vel cum qui abſentem excuſat.*

Reſponſions, *Reſponſiones*, Seems to be a Word chiefly uſed by the *Knights of St. John of Jeruſalem*, for certain Accounts made to them by ſuch as held their Lands or Stocks. *Anno* 32 *H.* 8. *cap.* 24. *In Rot. Parl.* 9 *Rich.* 2. it is written *Reſponcies.*

Reſponſum, *i. e.* Buſineſs: The Word is uſed in this Senſe by *Florence* of *Worceſter*, who tells us, That Pope *Alexander* ſent two Perſons to *Edw.* 1. *pro Reſponſis Eccleſiaſticis.*

Reſtare, *i. e.* To ſtay or ſtop: It is mentioned in *Matt. Pariſ.* 515, *viz. Equos & homines meos fecit* reſtare, *donec pagium extorſiſſet.*

Reſtitution, *Reſtitutio*, Is the Yielding up again, or Reſtoring of any Thing unlawfully taken from another. But it is moſt frequently uſed in the Common Law for the ſetting him in Poſſeſſion of Lands or Tenements that hath been unlawfully diſſeiſed of them; which when it is to be done, and when not, ſee *Crompton's Juſtice of Peace, fol.* 144. *uſq; ad* 149.

Reſtitutione extracti ab Eccleſia Is a Writ to reſtore a Man to the Church, which he had recovered for his Sanctuary, being ſuſpected of Felony. *Reg. Orig. fol.* 69.

Reſtitutione temporalium Is a Writ that lies where a Man being elected and confirmed *Biſhop* of any Dioceſe, and hath the King's Royal Aſſent thereto, for the *Recovery of the Temporalties*, or Barony of the ſaid Biſhopriek: And it is directed from the King to the Eſcheator of the County, the Form whereof may be read in *Reg. Orig. fol.* 294. and *F. N. B. fol.* 169.

Reſummons, *Reſummonitio*, Is a Decompound of *Re*, *ſub* and *moneo*, and ſignifies a *Second Summons*, and calling of a Man to anſwer an Action, where the Firſt Summons is defeated upon any Occaſion, as the Death of the Party, or ſuch like. See *Bro. Tit* Reſummons, *fol.* 214. Of theſe there are Four Sorts, according to Four divers Caſes in the Table of the *Regiſter Judicial, fol.* 1. and *New Book of Entries, verb. Reattachment* and *Reſummons.*

Reſumption, *Reſumptio*, Is a Word uſed in the Statute of 31 *H.* 6. *cap.* 7. particularly to ſignify the Taking again into the King's Hands ſuch

Lands or Tenements as before, upon falſe Suggeſtion, or other Error, he had delivered to the Heir, or granted by Letters Patent to any Man. *Bro. Tit.* Repellance & Reſumption, *fol.* 298. 31 *H.* 6. *cap.* 7. and 19 *H.* 7. *cap.* 10. See *Reſeiſer.*

Retail, (*Anno* 3 & 4 *Edw.* 6. *cap.* 21.) *Qui rem integram ementes, per minutiores eam partes diſtrahebant. Anglice*, to buy by Great, and ſell by *Retail*, *i. e.* by Parcels.

Retare, *Arretare*, *Rectare*, *ad rectum vocare.* To ſue, implead, or proſecute.——— *Idem Brianus quoſdam* retavit *de foreſta Domini Regis*——— *in eadem curia judicium ſuum de furto, de quo primum* retatus *fuerit, recepturus fuit.* Cartular. Radings. MS. fol. 176. a.

Retatio, The *retting* or *ritting* of Flax or Hemp, *i. e.* Expoſing it to the Sun, or Steeping it in the Water, till it is ripened and made fit to run. *Inter antiquas conſuetudines Abbatiæ S. Edmundi*——— *Item Cellerarius ſolet accipere theoloneum de lino tempore* retationis, *ſcil. unam retam de qualibet cerva vel romula.* Cartular. S. Edmundi. MS. fol. 314.

Retaining Fee, *Merces retinens*, Is the Firſt *Fee* given to any Serjeant or Counſellor at Law, whereby to make him ſure that he ſhall not be on the contrary Part: It is *Honorarium ſeu præmium cauſidici præcedaneum, quo clienti ſuo obligatur ne adverſarii cauſam agat.*

Reteiner, From the Latin *retinere*, ſignifies in a legal Senſe a Servant, but not Menial or Familiar, that is, not continually dwelling in the Houſe of his Maſter, but only wearing his Livery, and attending ſometimes upon ſpecial Occaſions. This Livery was wont to conſiſt of Hats, (or Hoods) Badges, or other Suits of one Garment by the Year; and were many Times given by Lords and Great Men, upon Deſign of Maintenance and Quarrels, and therefore juſtly forbidden by ſeveral Statutes, as 1 *R.* 2. *cap.* 7. upon Pain of Impriſonment, and grievous Forfeiture to the King; And again, 16 *R.* 2. *cap.* 4. 20 *R.* 2. *cap.* 1. and 1 *H.* 4. *cap.* 7. by which the Offenders ſhould make Ranſom at the King's Will; and any Knight or Eſquire thereby duly attainted, ſhould loſe his ſaid Livery, and forfeit his Fee for ever, &c. Which Statute is further confirmed and explained by 2 *H.* 4. *cap.* 21. 7 *H.* 4. *cap.* 3. and 8 *H.* 6. *cap.* 4. And yet this Offence was ſo deeply rooted, that *Edward* the Fourth was neceſſitated to confirm the former Statutes, and further to extend their Meaning, as appears by 8 *E.* 4. *cap.* 2. adding a ſpecial Penalty of Five Pounds upon every Man that gives ſuch *Livery*, and as much on every one ſo *retained* either by Writing, Oath or Promiſe, for every Month. Theſe are by the *Feudiſts* called *Affidati*, *ſic enim dicuntur qui in alicujus fidem & tutelam recepti ſunt.* And as our *Retainers* are here forbidden, ſo are thoſe Affidats in other Countries. But moſt of the abovementioned Statutes are repealed by 3 *Car.* 1. *cap.* 4.

Retenementum, Reſtraint, Detainment, Withholding. A full and abſolute Conveyance was anciently made in this Phraſe, *Sine ullo* retenemento.

Retentia, for **Retinentia**, *i. e.* A Retinue.

Rete-penny, A Rate-penny, or cuſtomary Due of One Penny for each Perſon to the Pariſh-Prieſt. In the Synodal Statutes of *Robert* Biſhop of *Durham*, *Anno* 1276. *cap.* 3. *De rebus liberorum decimandis, & mortuariis inde ſolvendis.*——— *Porro hoc Sanctioni adjicimus, quod ſi plures liberi proprium habentes, in parentum pariter familia vivant, ad denarios qui vocantur* Rete-penis *minime arceantur: Cum ſicut communiter intrinſecus aluntur a parentibus, ſic in extrinſecis ab eiſdem latentur pariter ſe defendi.*

Retinentia, Retinue, or Perſons retaining to a Prince or Nobleman.——— *Ad inquirendum de numero* retinentiæ *præfati Johannis ab ultimo adventu ſuo in Hiberniam, & de continuatione ejuſdem* retinentiæ. *Pat.* 14 *Ric.* 2. *pag.* 2. *m.* 8.

Retractus aquæ, Ebb, or low Water, the Retreat of the Tide. The Expreſſion occurs in *Placit. coram Rege Paſch.* 30 *Edw.* 1. *apud Cantuar. Rot.* 58.

Retrarit Is ſo called, becauſe that Word is the effectual Word in the Entry, and is where the Plaintiff or Demandant comes in Perſon into the Court, and ſays, *He will proceed no further.* And this is a Bar of all other Actions of like or inferior Nature, *Qui ſemel actionem renunciavit, amplius repetere non poteſt.* Co. on Lit. lib. 2. cap. 11. ſect. 288. The Difference between a *Nonſuit* and a *Retraxit*, is, that a *Retraxit* is ever when the Demandant or Plaintiff is preſent in Court; but a *Nonſuit* is upon a Demand made, when he ſhould appear, and he makes Default. *Retraxit* (as we ſaid) is a Bar, ſo is not a *Nonſuit*, for he may commence an Action of like Nature again.

Retropannagium, After-Pannage, or the Running of Hogs in a Foreſt or Park, when the Acorns or Maſt is eaten, and little left, but Hips, Haws, &c. *Et debent habere* retropannagium *a Feſto S. Martini uſq; ad Feſtum purificat. Beatæ Mariæ* Petit. in Par. temp. Ed. 3.

Return, *Returna* vel *retorna*, Cometh of the French *Retout*, i. *reverſio*, *recurſus*, and in our Law hath Two particular Applications; the One is, the *Return* of Writs by Sheriffs and Bailiffs, which is only a Certificate made to the Court of that which he hath done, touching the Execution of their Writ directed to him. And this among the *Civilians* is termed *Certificatorium*; of *Returns* in this Signification ſpeaks the Statute of *Weſtm.* 2. *cap.* 39. So is the *Return* of a Commiſſion a Certificate or Anſwer to the Court of that which is done by the Commiſſioners, Sheriff, Bailiff, or other, to whom ſuch Writs, Commiſſions, Precepts or Mandates are directed. Alſo certain Days in every Term are called *Return-Days*, or Days in Bank; and ſo *Hillary-Term* hath Four *Returns*, viz. *Octabis Hillarii*, *Quindena Hillarii*, *Craſtino Purificationis* and *Octabis Purificationis.* Eaſter-Term Five, *viz. Quindena Paſchæ*, *Tres Paſchæ*, *Menſe Paſchæ*, *Quinq; Paſchæ*, and *Craſtino aſcenſionis Domini.* Trinity-Term Four, *i. Craſtino Trinitatis*, *Octabis Trinitatis*, *Quindena Trinitatis*, *Tres Trinitatis*; and *Michaelmas-Term* Six, to wit, *Tres Michaelis*, *menſe Michaelis*, *Craſtino animarum*, *Craſtino Martini*, *Octabis Martini*, *Quindena Martini.* See the Statutes of Days in Bank, 51 *H.* 3. 32 *H.* 8. *cap.* 21. and 17 *Car. c.* 6. The other Application of this Word is in Caſe of *Replevin*; for if a Man diſtrain Cattle for Rent, &c. and afterwards juſtify or avow his Act, ſo as it is found lawful, the Cattle before delivered unto him that was diſtrained, upon Security given to follow the Action, ſhall now be *returned* to him that diſtrained them. *Bro. Tit.* Returns d'avers & hommes, *fol.* 218. and *F. N. B.* in his Table *verb.* Return.

Returno habendo Is a Writ that lies for him that has avowed a Diſtreſs made of Cattle, and proved his Diſtreſs to be lawfully taken, for *returning* to him the Cattle diſtrained, which before were *replevied* by the Party diſtrained, upon Surety given to proſecute the Action; or when the Plaint or Action is removed by *Recordari*, or *Accedas ad Curiam*, into the Court of Common Pleas, and he whoſe Cattle were diſtrained makes Default, and doth not proſecute his Suit.

Returnum averiorum Is a Writ Judicial, granted to one impleaded for the Taking the Cattle of another, and unjuſt detaining them *contra vadium & Plegios*, and appearing upon Summons, is diſmiſſed without Day, becauſe the Plaintiff makes Default; and it lies for the *Return* of the Cattle to the Defendant, whereby he was ſummoned, or which were taken for Security of his Appearance upon the Summons. *Regiſter Judicial*, *fol.* 4. *a.*

Returnum irreplegiabile Is a Writ Judicial, ſent out of the Common Pleas to the Sheriff, for the final Reſtitution or *Return* of Cattle to the Owner, unjuſtly taken by another, as *Damage-feaſant*, and ſo found by the Jury before Juſtices of Aſſiſe in the County, or otherwiſe by Default of Proſecution. *Reg. Judic. fol.* 27.

Reve, alias **Greve**, From the Saxon Word *Greſa*, *Præfectus*. Lamb.'s *Explication of* Saxon *Words*, verb. *Præfectus*, ſignifies with us the Bailiff of a Franchiſe or Manor, eſpecially in the Weſtern Parts of *England*: Hence *Shire-reve* for Sheriff. See *Kitchin*, *fol.* 43. See *Greve* and *Sheriff*, and *Verſtegan*, *cap.* 10. See alſo *Church reve.*

Revelach, *i. e.* Rebellion, from *Revellare*, to rebel: *Quicunque faciebat* Revelach *vel latrocinium vel violentiam fœminæ in domo inferebat, 20 ſolidis emendebatur.* Gale. Domeſday, Tit. Ceſtreſcire.

Reveland, Domeſday-Book, *Herefordſc. Terra Regis. Hæc terra fuit tempore Edwardi Regis* Tainland, *ſed poſtea converſa eſt in* Reveland. *Et item dicunt Legati Regis, quod ipſa terra & cenſus qui inde exit, furtim aufertur a Rege.* The Land which is here ſaid to have been *Thaneland*, T. E. R. and after converted into *Reveland*, ſeems to have been ſuch Land as being reverted to the King after the Death of his *Thane*, who had it for Life, was not ſince granted out to any by the King, but reſted in Charge upon the Account of the *Reeve* or Bailiff of the Manor, who (as it ſeemeth) being in this Lordſhip of *Hereford* like the *Reeve* in *Chaucer*, a falſe Brother, concealed the Land from the Auditor, and kept the Profit of it to himſelf, till the Surveyors, who are here called *Legati Regis*, diſcovered this Falſhood, and preſented to the King that *furtim aufertur Regi.* This Paſſage from *Domeſday* Book is imperfectly quoted by Sir *Edw. Coke*, in his *Inſtitutes*, *ſect.* 117. who from theſe Words draws a falſe Inference, That Land holden by Knights-Service was called *Thainland*, and Land holden by Soccage was called *Reveland*. Vide *Spelman* of *Feuds*, *c.* 24. See *Tein-land.*

Revels Signify with us Sports of Dancing, Masking, *&c.* uſed in Princes Courts, the Inns of Court, or other Noblemens Houſes, which are commonly performed by Night; and there is an Officer to order and ſuperviſe them, who is intitled *Maſter of the Revels.*

Revenue Is a *French* Word, ſignifying as *Reditus*, and denotes properly the yearly Rent that accrues to every Man from his Lands and Poſſeſſions.

Reverſion, *Reverſio*, A returning again; it is *Nomen verbale*, and derived of the Verb *Revertor*, *& apte dici non poteſt* reverſio *antequam revertatur in facto*; and therefore *Co. on Lit. fol.* 142. ſays, Reverſio *terræ eſt tanquam terra revertens in poſſeſſione Donatori ſive hæredibus ſuis poſt donum finitum.* It hath a double Acceptation in Law, the one is, *Jus revertendi cum ſtatus poſſeſſionis defecerit:* And this is but an Intereſt in the Land when the Poſſeſſion ſhall fall. 2. When the Poſſeſſion and Eſtate which was parted with for a Time, ceaſeth, and is determined in the Perſons of the Alienees, Aſſignees, Grantees, or their Heirs, or effectually returns to the Donor, his Heirs or Aſſigns, whence it was derived. The Difference between a *Reverſion and a Remainder*, is, that a *Remainder* is general, and may be to any Man, but he that granteth or conveyeth the Land, *&c.* for Term of Life only, or otherwiſe. A *Reverſion* is to himſelf, from whom the Conveyance of the Land, *&c.* proceeded, and is commonly perpetual, as to his Heirs alſo. *Lit. lib.* 2, *cap.* 12. See *Co. lib.* 2. *fol.* 51. Sir *Hugh Cholmley*'s Caſe; and yet a *Reverſion* is ſometimes confounded with a *Remainder. Co. lib.* 2. *fol.* 67. *Tooker*'s Caſe. *Plowden*, *fol.* 170. *Hill*'s Caſe. What this Word *Reverſion* in a Deed does carry, ſee *Littleton*, *lib.* 2. *cap.* 12.

Reugia, A Ridge, or Rudge of arable Land. ——— *De dono Rogeri del Eſtre unum* reugiam *terræ in Gernemath.* Mon. Angl. Tom. 1. p. 515.

Review, *A Bill of* Review *in Chancery* is, where a Cauſe hath been heard, and the *Decree* ſigned and enrolled; and ſome Error in Law appears upon the *Decree*, or new Matter diſcovered in Time after the *Decree* made, which Bill cannot be exhibited, but by Licenſe of the Court. See *Collection of the Chancery Orders*, *pag.* 69.

Reviving Is a Word metaphorically applied to Rents and Actions, and ſignifies a Renewing of them after they be extinguiſhed. Of which ſee divers Examples in *Broke*, *Tit. Revivings of Rents*, *Actions*, &c. *fol.* 223.

Bill of Revivor, Is where a Bill hath been exhibited in Chancery againſt one, who anſwers, and before the Cauſe is heard, or if heard, before the Decree enrolled, either Party dies: In this Caſe a *Bill of Revivor* muſt be brought, that the former Proceedings may ſtand revived, and the Cauſe be finally determined.

Revocation, *Revocatio*, Is the Calling back of a Thing granted, of which you have divers in *Reg. Orig.* as *Revocationem brevis de audiendo & terminando*, fol. 124. Revocationem *præſentationis*, fol. 304, 305. Revocationem *Protectionis*, fol. 23. Revocationem *ſpecialium Juſticiariorum quia*, *&c.* fol. 205.

Reward. See *Regard.*

Rewey, Anno 43 Eliz. cap. 10. *So as ſome Clothes being put in Water are found to ſhrink*, Rewey, *equally cockling, light and notable Faulty*, &c. it is as much as unevenly wrought, and full of *Rewes.*

Rhandir Is a Part in the Diviſion of the Country in *Wales* before the Conqueſt; as firſt a *Cantref* conſiſted of a Hundred Towns, under which were ſo many *Commots*, each *Commote* had Twelve *Manors* or *Circuits*, and Two *Townſhips*; there were Four *Townſhips* to every *Manor*, every *Townſhip* comprehended Four *Gavels*, every *Gavel* had Four *Rhandirs*, and Four *Tenements* were conſtituted under every *Rhandir.* This Word *Rhandir* admits not of any proper Significancy in *Engliſh*, but is by Dr. *Davis* rendered *Pars aut ſors*

ſors hæreditaria, from the Verb, *Rhannu*, *Partire*, *diſtribuere*. Taylor's *Hiſtory of Gavelkind*, pag. 69.

Rheuma, The Overflowing of the Sea, *Florence of Worceſter*, *Anno* 1075. *Inde rebus omnibus diſpoſitis & ordinatis* (Rheumate *adveniente*) *feſtinanter Anchoras ſuſtulerunt.*

Rhibel, A River in *Lancaſhire*. See *Beliſama.*

Rhine, The River in *Germany*, from *Rinnan*, to flow; ſo called, becauſe of its rapid Courſe, but rather from the Sax. *Rein*, which ſignifies *Pure*, from the Clearneſs of the Water: So among the Saxons, *Ryne wetera*, ſignified a Watercourſe: So in *Somerſetſhire*, they call the little Streams between the *Moors*, which riſe high with Floods, *Rhines.*

Rhutunium, *Routon* in *Shropſhire.*

Rhutupiæ, *Richborow* near *Sandwich* in *Kent.*

Rial, A Piece of Gold current for Ten Shillings. In 1 *H.* 6. by Indenture of the Mint, a Pound-Weight Gold of the old Standard was coined into 45 *Rials*, going for Ten Shillings a-piece, or a proportionable Number of half *Rials*, going for Five Shillings a-piece, or *Rial* Farthings going for Two Shillings Six-pence. Vide *Lowndes's* Eſſay upou Coins, *p.* 38. The Golden *Rial* in 1 *Hen* 8. was to go at Eleven Shillings Three Pence. In 2 *Eliz.* Golden *Rials* coined at Fifteen Shillings a-piece, when a Pound-Weight of old Standard Gold was to be coined into 48 *Rials.* In 3 *Jac.* 1. *Roſe-Rials* of Gold at Thirty Shillings, and *Spur-Rials* at Fifteen Shillings.

Ribend, *Ribaldus*, French *Ribauld*, a Vagrant, luxurious Spend-thrift, a Rogue, Whoremonger, a Perſon given to all Kinds of Wickedneſs and Looſeneſs. Petition againſt *Ribauds* and ſturdy Beggars. *Rot. Parl.* 50 *E.* 3. *num.* 61.

Ribcheſter. See *Cocceium.*

Ric Is a *Saxon* Word, ſignifying as much as *Regnum* in *Latin*. *Cambd. Brit. p.* 346.

Rider-Roll. See *Roll.*

Riculus, For *Curriculus*, or *Vehiculus*: In *Brompton*, R. 1. *Multitudo vero* Riculorum *& aſinorum, onerariorum, ſub numero non facile cadebant.*

Ridge or Rig of Land, Riga, *Terram quam e pluribus ſulcis in aggerem efferunt arantes, ita ut ſicca ſedes frumenti habeatur, Romani* ſtrigam (*atque inde* agros ſtrigatos) *nos a* Ridge of Land. *Spelman.* However it is ſometimes called *Porca terræ.* Yet I have ſeen in the Exemplification of a Writ of Partition. *Anno* 20 *Eliz. Teſte Jacobo Dyer Mil.*—— *unam acram terræ arabilis continen. quinque* porcas *terræ, Anglice* Ridges. So Sir *Edw. Coke* has it, 1 *Inſt. fol.* 5. *b.*

Riding Clerk, One of the Six Clerks in Chancery, who in his Turn, for one Year keeps the Controlment Books of all Grants that paſs the Great Seal that Year.

Ridings Are Names of the Diviſions of *Yorkſhire*, which are Three, *viz.* The *Eaſt-Riding*, the *Weſt-Riding*, and the *North-Riding*, mentioned in the Statute 22 *H.* 8. *cap.* 8. and 23 *H.* 8. *cap.* 18. In Indictments in that County, it is requiſite that the Town and the *Riding* be expreſt. *Weſt. Symbol. part* 2. *Tit.* Indictments, *ſect.* 70.

Riens arrear Is a Kind of Plea uſed to an Action of Debt upon *Arrearages* of Account, whereby the Defendant does alledge, there is *nothing in* Arrear.

Riens dein le gard Was a Challenge to a Jury or Enqueſt of *London*, for that Four ſufficient Men, *&c.* were not impanelled: But it is abrogated by the Stat. 7 *H.* 7. *cap.* 4.

Riens paſſe par le fait, *i. e.* Nothing paſſes by the Deed, is the Form of an Exception taken in ſome Caſes to an Action. See *Bro. Tit.* Eſtraunger al fait ou Record.

Riens per deſcent (*i. e.* Nothing by *Deſcent*) Is the Plea of an Heir, where he is ſued for his Anceſtor's Debt, and hath no Land from him by *Deſcent.* See 3 *Part Croke's Rep. fol.* 151.

Rier County, *Retro-comitatus*, Comes from the French *Arrier*, *poſterior*, and in the Statute of 2 *E.* 3. *cap.* 5. is oppoſite to *open County*; and by comparing that Statute with *Weſtm.* 2. *cap.* 38. it appears to be ſome publick Place, which the Sheriff appoints for the Receit of the King's Money after the End of his County. *Fleta* ſays, That it is *Dies craſtinus poſt comitatum*, lib. 2. cap. 67.

Rifflare, To take away any Thing by Force: From the Sax. *Riefe*, *Rapina*, from whence comes our *Engliſh* Word to Rifle: *Sæpe etiam contingit ut hoc modo depoſitum pro furto & reſiſlato, &c. poſtea fuit intertiatum & ad hoc denique comprobatum.* Leg. H. 1. cap. 57.

Riffletum, A Coppice, a Thicket, a Spiney, a Place of Buſhes and Thorns.—— *Sciant præſentes & futuri quod Ego Thoroldus de Caſtre relaxavi Dominis meis Roberto Abbati & Conventui de Burgo totum* rifletum *meum, quod jacet inter boſcum prædicti Abbatis quod vocatur Tolhawe, & boſcum Chriſtianæ Pye.*—— Cartular. S. Petriburg. vocat. Swafham, MS. f. 208.

Riflura, In a Form of Appeal in *Bracton, lib.* 3. *cap.* 23. upon felonious wounding againſt the Peace.—— *Et deſignandum erit, cujus longitudinis fuerit plaga & cujus profunditatis, & utrum ſit plaga vel* riflura, *ad hoc quod procedat Duellum vel non procedat, ut ſciri poſſit per factum, utrum ſit injuria vel felonia, i. e.* And it ſhall be diſcovered, how long and how deep the Wound was, and whether it was a Wound, or the Fleſh and Skin were only *riffled*, or, as we now call it, *rippled*, (or a ſlight Scar) ſo as it might be determined whether the Duel ſhould proceed or not, and that it might be known whether the Fact was a Treſpaſs or Felony.

Riga, The ſame with *Reuga*, which ſee.

Right, *Jus*, In general Signification includes not only a *Right*, for which a *Writ of Right* lies, but alſo any Title or Claim, either by Virtue of a Condition, Mortgage, or the like, for which no Action is given by Law, but only an Entry. *Co. on Lit. lib.* 3. *cap.* 8. *ſect.* 445. There is *Jus proprietatis*, a Right of Propriety; *Jus Poſſeſſionis*, a Right of Poſſeſſion, and *Jus Proprietatis & Poſſeſſionis*, a Right both of Propriety and Poſſeſſion; and this is anciently called *Jus Duplicatum*: For Example, If a Man be diſſeiſed of an Acre of Land, the Diſſeiſee hath *Jus proprietatis*, the Diſſeiſor hath *Jus poſſeſſionis*; and if the Diſſeiſee releaſe to the Diſſeiſor, he hath *Jus proprietatis & poſſeſſionis.* Co. on Lit. lib. 3. ſect. 447. *Jus eſt ſextuplex.* 1. *Jus recuperandi.* 2. *Intrandi.* 3. *Habendi.* 4. *Retinendi.* 5. *Percipiendi.* 6. *Et poſſidendi.* Co. 8 Rep. *Edward Altham's* Caſe.

Right in Court. See *Rectus in Curia.*

Rime (*Rima*) Is taken for a mean Kind of Verſe, commonly made by ſome unskilful Poetaſter. Of a libellious and rebellious *Rime*, I have thought

thought fit to insert this Abstract of an ancient and memorable Record.

Placita coram Domino Rege apud Ebor. de Termino Paschæ Anno Regni Regis *Richardi* Secundi 16.

Quamplurimi de Cotingham *& Villis circumjacentibus indictantur, quod ipsi alligati fuerint quilibet ad alterum sustinendum & manutenendum omnes querelas suas versus quoscunque: Et quod modo guerrino obsiderunt villam de* Kingston *super* Hull, *& pontes circumjacentes diripuerunt, ita quod nullus ire vel redire posset ad dictam villam, ac insuper fecerunt* Rimam *in Anglicis verbis, & dictam* Rimam *publice apud* Beverly *pro lamari fecerunt die, &c. quæ* Rima *sequitur in hæc verba.*

IN the Country hard was we,
That in our Soken shrews should be,
With all for to bake.
Among you Friers it is for,
And other Myders many moe,
Whether they sleep or wake.
And yet will ilke man help up other,
And maintain him als his brother,
Both in wrong and right.
And also will in strand and stoure
Maintain our Neighbour
With all our might,
Ilke Man may come and goe
Among us, both to and fro,
Say you sickerly.
But nothing will we suffer none,
Neither of Hob, nor of John,
With what may he merry be.
For unkinde we ware,
If we suffered lesse or mare.
Any villan nothing.
But it were quite double again,
And accord, and be ful faine
To byde diressing.
And on that purpose, yet we stand,
Who so doth us any wrang,
In what place it fall.
Yet he must als weele,
Als have I hap and heele,
Doe again us all.

Sed perdonantur 28 *ex eis.*
Record. continet quatuor Rotulos.

Rine. See *Rhine.*

Ringa, A military Girdle: From the Saxon *Ring, i. e. annulus, circulus,* because it was girt round the Middle. *Bracton* gives another Reason why it is so called. *Lib.* 1. *cap.* 8. *Par.* 3. Ringa *enim dicuntur quod renes circumdant, unde dicitur accingere gladio.*

Ringhead, (*Anno* 43 *Eliz. cap.* 10.) An Engine used in stretching Woollen Cloth.

Ringildre. (Brit. *Rhingyldre*) *Rex omnibus, &c. quod nullus tenentium in Com. nostris prædictis de cætero compellatur ad subeundum sive occupandum officium* Ringildre.——— *Carta Hen.* 7. *Comitat. de Anglesey, Carnarvon, & Merioneth, dat.* 3 *Mart. anno regni* 22. A Kind of Bailiff or Serjeant, for so *Rhingyl* or *Ringyll* signifies in *Welsh.*

Riot, *Riota & riottum,* Derived from the French *Riotte, quod non solum rixam & jurgium significat, sed vinculum etiam, quo plura in unum, fasciculorum instar, colligantur,* signifies the forcible doing of an unlawful Thing by Three, or more Persons assembled together for that Purpose. *West. Symbol. part* 2. *Tit.* Indictments, *sect.* 65. The Difference between a *Riot, Rout,* and *unlawful Assembly,* see in *Lamb. Eiren. lib.* 2. *cap.* 5. *Stat.* 1. *Mar. cap.* 12. and *Kitchin* 19. who gives these Examples of *Riots,* the Breach of Inclosures, Banks, Conduits, Parks, Pounds, Houses, Barns, the Burning of Stacks of Corn, *&c. Lamb. ubi supra* mentions these, to beat a Man, to enter upon a Possession forcibly. See *Rout* and *Unlawful Assembly.* See also in *Cromp. Justice of Peace,* divers Cases of *Riots, Anno* 17 *R.* 2. *cap.* 8. and 13 *H.* 4 *cap.* 7. See the Stat. 1 *Geo. cap.* 5.

Riparia, (from *Ripa,* a Bank,) In the Statute of *Westm.* 2. *cap.* 47. signifies the Water or River running between the Banks, be it salt or fresh. 2 *Inst. fol.* 478. The Word occurs also in *Rot. Char.* 9 *Edw.* 2. *numb.* 12. *Volumus tamen, quod prædictus A. cognitionem habeat de morte hominis & mahemio, in grossis navibus in medio fili grossarum* Ripariarum, *tam de portubus earundem* Ripariarum *mari magis propinquius, &c.* Rot. Pat. 28 H. 8. pars 12. But in the Version of *Magna Chartæ, cap.* 15. *Riparia* is rendered a Bank or River.

Ripatica, *i. e. Redditus & proventus ex ripis percepti.* MS. Fleta, lib. 2. cap. 66. par. 17.

Ripator.——— *Juxta sonitum illius instrumenti quod a* Ripatoribus *vocatur Tabur, subito tercella quædam alarum remigio perniciter evolavit.* Rad. de Diceto & Matt. Paris. sub anno 1191. By this Word *Ripator,* Mr. *Somner* would understand a Ripper, or Reaper of Corn. And some others would interpret them to be Rifflers or vagabond Thieves. But the Occasion of the Story, and the Scene of Action, seem plainly to imply, that *Ripatores* were *Riparii,* Fishermen or Rippers.

Rippers, *Riparii,* Had their Name *a fiscella quâ in devehendis piscibus utuntur,* in English a *Ripp,* and are such as use to bring Fish from the Seacoast to the inner Parts of the Land. *Cambd. Brit. pag.* 234. In *Wales* they are called *Treaters.*

Rise, *Oriza,* Is a Kind of Corn growing in *Asia* and the *Indies,* of which you may read in *Gerard's Herbal, lib.* 1. *cap.* 52. This is mentioned among Spices to be garbled in the Stat. 1 *Jac. cap.* 19.

Ribagium, Rivage, Riverage, a Toll or Duty paid to the King in some Rivers, for the Passage of Boats or Vessels. King *Edw.* 1. grants a Charter to the Barons of the Cinque Ports——— *ut quieti sint de omni theolonio & omni consuetudine videl. ab omni lastagio, tallagio, passagio, cayagio, rivagio, sponsagio, & omni wreec, &c.* Placit. temp. Edw. 1. & Edw. 2. penes Dominum Fountains.

Riveare, To have the Liberty of a River for Fishing or Fowling.——— *Rex dat licentiam Reginaldo Filio Petri, quod* riveare *possit per totam ripariam nostram de Kenette, & in instanti seisina aves capere & asportare.* Pat. 2. Edw. 1. M. 6.——— *Licentia pro Radulfo de Chendut quod* riveare *possit per ripariaram de Kennet in Com. Berk. cum quodam Austurco.* Pat. 18. E. 1. M. 40.

Roathr Beasts, *Anno* 7 *E.* 6. *cap.* 11. See *Rother Beasts.*

Roba Is a Coat or Garment. And those who *Robas accipiebant* of another, are accounted of his Family. *Quendam ex ejus Armigeris qui in obsequio erat*

erat Abbatis & ad robas *ejus.* Walſingham, pag. 267.

Robbery, *Robaria*, Is a felonious Taking away of another Man's Goods from his Perſon or Preſence againſt his Will, putting him in Fear, and of Purpoſe to ſteal the ſame. *Weſt. Symbol. part* 2. *Tit.* Indictments, *ſect.* 60. And this Offence was called *Robbery*, either becauſe they bereaved the true Man of ſome of his Robes or Garments, or becauſe his Money or Goods were taken out of ſome Part of his Garment or Robe about his Perſon. *Co.* 3 *Inſt. cap.* 16. This is ſometimes called *Violent Theft. Weſt. Symbol. ibid.* which is Felony of Two-pence. *Kitchin, fol.* 16. and 22 *lib. Aſſ.* 39. See *Skene de verborum ſignif. verb. Reif*, and *Cromp. Juſtice of Peace fol.* 30.

Robbers, 5 *E.* 3. 14. and 7 *R.* 2. *cap.* 5. *Lamb. Eiren. lib.* 2. *cap.* 6. interpreteth them to be mighty Thieves; they are called in Latin *Robatores*, ſaith *Spelman*, being *Latrones validi qui in perſonas hominum inſilientes bona ſua diripiunt.*

Roberſmen, or **Roberdſmen**, Were another Sort of great Thieves, mentioned 5 *E.* 3. 14, and 7 *R.* 2. *cap.* 5. *Co.* 3 *Inſt. fol.* 197. ſays, *Robin Hood* lived in *Richard* the Firſt's Time on the Borders of *England* and *Scotland* by Robbery and Spoil, and that theſe *Roberdſmen* took Name from him.

Rochester. See *Durobrova.*

Rochet Is that linen Garment which is worn by Biſhops, gathered at the Wriſts, and differs from a Surplice, for that hath open Sleeves hanging down; but a *Rochet* hath cloſe Sleeves. *Lyndewode, lib.* 3. *Tit.* 27.

Rod, *Roda Terræ*, Is otherwiſe called a *Perch*, and is a Meaſure of Sixteen Foot and a half, and in *Staffordſhire* Twenty Foot, to meaſure Land with. See *Perch.*

Rodknights, alias **Radnights**, (Is derived from the Saxon *Rad, i. equitatus*, and *Cnyt, Miniſter*,) were certain Servitors, which held their Land by ſerving their Lords on Horſeback. *Bracton, lib.* 2. *cap.* 36. *num.* 6. ſaith of them, *Debent equitare cum Domino ſuo de manerio in manerium, vel cum Domini uxore.* Fleta, lib. 3. cap. 14. ſect. *Continetur.*

Rodundellus, *Rotondellus*, A Roundle, and old Riding Cloke.——— *Thomas de Cantilupo Epiſcopus Hereford. Stolam apud collum quum equitabat ſubtus capam vel* rodundellum *ad modum crucis portabat, ut patens eſſet ad confirmandum pueros occurrentes.* Liber de Miraculis Thomæ Epiſc. Hereford. MS.

Rofe-tile, alias **Creaſt-tile**, Is that Tile which is made to lay upon the Ridge of the Houſe. *Anno* 17 *Edw.* 4. *cap.* 4. Dr. *Skinner* ſays the true Name is *Roſe-tyle*, from the French *Tuile de la Roſee.*

Rogation-week, *Dies Rogationum*, Is a Time well known to all, and is ſo called, becauſe of the ſpecial Devotion of Prayer and Faſting then enjoined by the Church to all Men, for a Preparative to the joyful Remembrance of Chriſt's Aſcenſion, from which Time to *Trinity-Sunday* Matrimony is forbidden to be celebrated.

Rogue, *Rogus*, May be deduced from the Fr. *Rogue, i. Arrogans*, and ſignifies an idle ſturdy Beggar, who wandreth from Place to Place without Licenſe, after he hath been by Juſtices beſtowed, or offered to be beſtowed on ſome certain Place of Abode; who, for the firſt Offence, is called *a* Rogue *of the firſt Degree*, and puniſhed by whipping and boring through the Griſtle of the Ear with a hot Iron, an Inch in Compaſs. And for the Second Offence is termed *a* Rogue *of the Second Degree*, and put to Death as a Felon, if he be above Eighteen Years old. See the Stat. 14 *Eliz.* 5. 18 *Eliz.* 3. and 36 *Eliz.* 17. and *Lamb. Eiren. lib.* 4. *cap.* 4.

Rogus Is the *Latin* Word for a great Fire, and there it is *congeries lignorum ad comburendum*, Vocab. utriuſq; juris. Sometimes it is taken only for a Pile or Stalk of Wood, as *Mandatum eſt Conſtabulario caſtri de Divis, & cuſtodi foreſtæ de Cippeham quod fieri fac. unum* rogum *in Foreſta prædict' ad operationes caſtri prædicti, prout melius viderint expedire, &c.* T. x Maii. Clauſ. 54 H. 3. m. 8.

Roll, *Rotulus*, Signifies a Schedule of Paper or Parchment, which may be turned or wound up with the Hand to the Faſhion of a Pipe. *Staundf. Pl. Cor. fol.* 11. of which there are in the Exchequer ſeveral Kinds. As *the great Wardrobe* Roll, *the Cofferers* Roll, *the Subſidy* Roll, *&c.* Of which ſee the *Practice of the Exchequer-Court, fol.* 75.

Calves-head Roll Is a *Roll* in the Two Temples, wherein every Bencher is taxed yearly at 2 *s.* every Barriſter at 1 *s.* 6 *d.* and every Gentleman under the Bar at 1 *s.* to the Cook, and other Officers of the Houſe, in Conſideration of a Dinner of *Calves-heads* provided in *Eaſter-Term.* Orig. Juriſd. fol. 199. b.

Ridder-Roll, *Noy's Rep. fol.* 84. The Court *Ex Officio*, may award a *Certiorari ad informandum conſcientiam*; and that which is certified ſhall be annexed to the Record, and is called a *Ridder-Roll.* Or a *Ridder-Roll* is a Schedule, or ſmall Piece of Parchment, added to ſome Part of a *Roll* or Record.

Roll of Court, *Rotulus Curiæ*, The *Court-Roll* in a Manor, wherein the Names, Rents, and Serviees of the Tenants were copied and enrolled. *Per* Rotulum Curiæ tenere, by Copyhold. ——*Matildis le Tailur tenet per* rotulum Curiæ *unum meſſuagium, &c.* Paroch. Antiq.

Rolls of Parliament, *Rotuli de Parliamento.* The Manuſcript Regiſters or Rolls of the Proceedings of our old Parliaments. For before the Uſe of Printing, and till the Reign of *Hen.* 7. our Statutes were all engroſſed in Parchment, and (by Virtue of the King's Writ to that Purpoſe) proclaimed openly in every County.——— In theſe *Rolls* we have likewiſe a great many Deciſions of difficult Points in Law, which were frequently in former Times referred to the Determination of this ſupreme Court by the inferior Ones of both Benches, *&c.* Mr. *Nicholſon's Hiſt. Library, P.* 3. *p.* 47.

Rolls, Or the Office of the *Rolls* in *Chancery-Lane*, antiently called *Domus Converſorum*, is the Houſe that was built by King *Henry* the Third, for *Jews* converted to the Chriſtian Faith; but *Edward* the Third expulſed them for their Wickedneſs, and deputed the Place for the Cuſtody of the *Rolls* and Records of the Chancery, the Maſter whereof is the ſecond Perſon in Chancery, and in the Abſence of the Lord Chancellor, or Lord Keeper, ſits as Judge, being commonly called, *The Maſter of the Rolls*, which ſee.

Romcot, Is a *Saxon* Word ſignifying, *Nummum Romæ datum*, for *Feoh*, in *Saxon* is *Nummus*, that is, Money in *Engliſh.* See *Romeſcot.*

Rompenny, In Saxon *Rompening, i. Romæ denarius*, for the Saxon *Pening*, is the ſame as *Penny* with us, or *Denarius* in *Latin.* See *Romeſcot.*

Romanizare Is a Word mentioned in our Hiſtorians; and it ſignifies to afflict or torment:

Roma *manus rodit, quas rodere non valet, odit.*

Roma-peditæ Were Pilgrims ſo called, becauſe they travelled to *Rome* on Foot. It is a Word mentioned in *Mat. Pariſ. Anno* 1250, and in other Hiſtorians:

Hic Anglos, hic Romipetas *enormiter angens.*

Romefeoh, Rome-peny, (Sax. *Romefeoh, i. e. Nummus Romæ datus; nam* Feoh *eſt nummus, pecunia, ſtipendium*; Rompenning, *Romæ Denarius,* Penning *enim (hodie a* Peny) *eſt Denarius.* Vide *Rome-ſcot.*

Rome-ſcot (Romeſcoh *vel* Romefee, Romepeny, *alias Denarius Sancti Petri & Hearth-peny,*) is compounded of *Rome* and *Scot,* from the Sax. *Scot, Symbolum. Matt. Weſtm.* ſays it was *Conſuetudo Apoſtolica, a qua neq; Rex, neq; Archiepiſcopus vel Epiſcopus, Abbas vel Prior, aut quilibet in Regno immunis erat.* It was an annual Tribute of one Penny from every Family, paid yearly to *Rome* at the Feaſt of St. *Peter ad vincula,* being the Firſt of *Auguſt. Cambden* in his *Brit.* ſays, *Offa,* the Saxon, firſt granted it; but others, that *Ina,* a King of the *Weſt Saxons,* being in Pilgrimage at *Rome, Anno* 725. gave it as an Alms, and was firſt forbidden by *Edward* the Third. It amounted to Three Hundred Marks and a Noble yearly. See *Leg. Hen.* 1. *cap.* 12. *Rog. Hoveden par. poſter. ſuor. annal. fol.* 344. *in vitâ Hen.* 2. and ſee *Peter-Pence* and *Hearth-penny.* This Payment was abrogated 25 H. 8. 25. reſtored 1 & 2 *P. & M.* but utterly aboliſhed 1 *Eliz.* 1. See *Spelman's Gloſſary,* verbis *Romeſcot, Romefeah, Romepenny.* This Mark of Slavery was a Burthen and a Scandal to the *Engliſh* Nation. Our free-born Anceſtors often complained of it. It was one of the Complaints of Grievance in Parliament, 8 *John, A. D.* 1206. when the King iſſued out this Writ of Redreſs: *Rex Archiepiſcopis, Epiſcopis, Abbatibus, Archidiaconis & omni Clero apud Sanctum Albanum convocatis Salutem. Conquerente Univerſitate Comitum, Baronum, Militum & aliorum fidelium noſtrorum, audivimus quod non ſolum in Laicorum grávem perniciem, ſed in totius regni noſtri intolerabile diſpendium ſuper* Romſcot *præter conſuetudinem ſolvendo* —— *Mandamus* —— *ne contra regni noſtri conſuetudinem aliquid novum Statuatis* —— Teſte meipſo apud Ebor. 26 die Maii, anno regni noſtri 8 Cart. 8. Joh. m. 1.

Rood, Holy Rood, i. e. *Holy Croſs.*

Rood of Land, *Reda terræ,* The Fourth Part of an Acre. 5 *Eliz. cap.* 5.

Ros, Among the Services and Cuſtoms of the Zochmen who held Lands of the Priory of *Spalding* —— *Debent tres carectas de* Ros & *tres de* Byndinge *carectandas in curiam Domini cibo Domini*— which Dr. *Brady* renders, *They ought to carry Three Loads of Thatch, and Three Loads of Byndinge to the Lord's Court, he finding them Victuals.* But I think rather, *Ros* is no more than *Ruſhes,* and the Duty was to carry Three Loads of looſe Ruſhes, and Three Loads of any Sort, as bound Corn, or other Stuff bound up in Bands.

Roſetum, A low watry Place of Reeds and Ruſhes. In the Endowment of the Vicaridge of *Stokeland,* within the Dioceſe of *Bath* and *Wells,* in the Year 1453. it is ordained. —— *Ut Vicarius habeat omnes decimas* roſeti *ſive arundinum totius parochiæ.* Reg. Eccl. Well. MS. —— *Salvis duntaxat dictis Religioſis decimis majoribus de terris, pratis, purpreſturis, &* roſetis *dominicis ipſius* Johannis *approviatis ſeu in poſterum approviandis* —— Cartular. Glaſton. MS. fol. 107. b. Hence the covering of Houſes with a Thatch made of Reeds and Ruſhes was called *Roſetum* —— *Hæc omnia ædificia egregie & opere ſaltem ſumptuoſo conſummata lapide aut* roſeto, *ſecundum quod loci opportunitas exigebat vel permittebat pro majori parte co-operiri faciebat,* ib. p. 42. a.

Roſſa For *Moſſa, i. e.* Land over-run with Moſs. *Et totam Dailam mariſci tam de* Roſſa *quam de prato.* Monaſt. 2 Tom. pag. 211.

Roſſland, V. Citation in MS. (*Roſſarium,*) Heathy Land, or Land full of Ling; alſo watery or mooriſh Land, from the Br. *Rhos,* i. e. *Planities irrigua.* 1 Inſt. fol. 5. a. & Cam. Brit. fol. 190. Ros *autem apud Scotos promontorium ſignificat.* Buchan. Hiſt. fol. 6. b. n. 40.

Rother-Beaſts, (Saxon *Hryther,*) Under this Name are comprehended Oxen, Cows, Steers, Heifers, and ſuch like horned Beaſts. *Anno* 21 *Jac. cap.* 18. And in *Hereſordſhire* the Dung of ſuch Beaſts is ſtill called *Rotherſoyl.* J. B. *Rangeator in Foreſta de Whittlebood habeat de dono Regis quatuor* Rothros *in Balliva de Wakefield.* Pat. 14 R. 2. m. 13.

Rotulus Contrarientium. See *Contrarients.*

Rotuli Placitorum, Court-Rolls, or Records upon Roll; the Regiſter of Trials, Judgments, and Decrees in a Court of Juſtice. —— *Dicti hominet prámiſſas conventiones in* Rotulos Placitorum *Domini Regis de anno ſupradicto ad majorem ſecuritatem irrotulari procurarunt.* Paroch. Antiq. pag. 321.

Rotulus Cancellariæ, *Bracton, lib.* 3. *cap.* 24. *Omnia Brevia de pace* (quæ ſunt prohibitiones) *irrotulari debent in* Rotulo de Cancellaria. See M. P. in ann. 1110. p. 61.

Rotulus Wintoniæ, *Domeſday* Book ſo called, becauſe it was of old kept at *Wincheſter.* See *Domeſday. Spelman* in his Gloſſary ſays, There was another Roll called *Rotulus Wintoniæ,* made long before that by King *Alfred*; concerning which, hear *Ingulphus* ſpeaking of *Domeſday* Book. *Talem* (ſays he) Rotulum & *multum ſimilem ediderat quondam Rex* Alfredus, *in quo totam terram Angliæ per Comitatus, Centurias, & Decurias deſcripſerat,* &c.

Rovagium for *Rotagium,* A Duty paid for mending the Highways worn out *cum Rotis.* It is in a Charter of *Henry* 2. *In tallagio & Rovagio & feria & foro.*

Rovers, *i. e.* Robbers. From the Sax. *Reaſian, i. e.* To rob; and that from *Reaf,* a Garment.

Rouge Croſs. See *Herald.*

Roundlet. See *Runlet.*

Rout, *Routa, Turma, Cohors,* A Company or Number, but in a legal Senſe ſignifies an Aſſembly of Three Perſons, or more, going forcibly to commit an unlawful Act, though they do it not. *Weſt. Symbol. part* 2. *Tit.* Indictments, *ſect.* 65. ſays, a *Rout* is the ſame which the *German* yet call *Rot,* meaning a Band, or great Company of Men gathered together, and going to execute, or indeed executing any Riot or unlawful Act. But the Statute of 18 *E.* 3. *ſtat.* 1. *cap. unico,* which gives Proceſs of Outlawry againſt ſuch as bring *Routs* into the Preſence of the Juſtices, or in Affray of the People; and the Statute of 2

R. 2. *cap.* 6. that ſpeaks of riding in great *Routs* to make Entry into Lands, and beat others, *&c.* do ſeem to underſtand it more largely. *Bro. Tit. Riot* 4, 5. So that a *Rout* ſeems to be an *unlawful Aſſembly*, and a Riot the diſorderly Fact committed by ſuch *unlawful Aſſembly*. Howbeit Two Things are common both to Riot, *Rout*, and *unlawful Aſſembly*. The one, That Three Perſons at leaſt be gathered together. The other, that being together, they do diſturb the Peace, either by Words, Shew of Arms, turbulent Geſture, or actual Violence, *&c.* *Lamb. Eiren. lib.* 2. *cap.* 5. See *Riot* and *unlawful Aſſembly*.

Rowing of Clothes, 27 *H.* 8. 13. It may perhaps be derived from the French *Rouer*, *verſare*, *rotare*, *quia rota circumducta pannos complanare ſolebant*.

Royal Aſſent, *Regius Aſſenſus*, Is that *Aſſent* which the King gives to a Thing formerly done by others, as to the Election of a Biſhop by Dean and Chapter; which given, then he ſends a ſpecial Writ for the Taking of *Fealty*. The Form of which you may ſee in *F. N. B. fol.* 170. And to a Bill paſſed in both Houſes of Parliament. *Cromp. Jur. fol.* 8. which *Aſſent* in Parliament being once given, the Bill is endorſed with theſe Words, *Re Roy le veult*, *i. It pleaſes the King*; but if he refuſe to agree to it, then thus, *Le Roy s' aviſera*, *i. The King will adviſe*.

Royalties, *Regalia* vel *Regalitates*, Are the Rights of the King, *Jura Regis*, otherwiſe called *The King's Prerogative*. Some of theſe be ſuch as the King may grant unto common Perſons; ſome ſo high, that they may not be ſeparated from his Crown *privative*, as the *Civilians* call it, though *cumulative* they may. See *Bracton*, *lib.* 2. *cap.* 5. and *Mathæum de afflictis*, upon the Title of the *Feuds*, *Quæ ſint* regalia, where he reckons up Twenty-five ſpecial Particulars of *Royalties*. See alſo *Hotoman's Commentaries*, *in lib.* 2. *Feudor. cap.* 56. and ſee *Prerogative* and *regalia*.

Roynes, Streams, Currents, or other uſual Paſſages of Rivers and running Waters.——— A Bill for opening the ancient *Roynes* and *Watercourſes* in *Sedgmore* in the County of *Somerſet*, for rendring the ſaid Moor more healthful and profitable to the Inhabitants. *Votes of the Houſe of Commons*, 21 *February* 1698.

Rubboſs, Dirty Stuff, Filth, Rubbiſh. *Clauſ.* 26 *R.* 2. *Dorſ.* 2. See *Laſtage*.

Rudmas-Day. From the Sax. *Rode*, *Crux*, and *Maſs-Day*, *i. e.* Feaſt-Day; the Feaſts of the Holy Croſs; which are Two, *viz.* the 3d of *May*, the Invention of the Croſs; the other is the 14th Day of *September*, called *Holy-rode-Day*; and is the Exaltation of the Croſs.

Runcaria, (from *Runca*,) Land full of Brambles and Briars. 1 *Inſt. fol.* 5. *a*.

Rudge waſhed Kerſey Is that which is made of Fleece-wool, waſhed only on the Sheep's Back. 35 *Eliz. cap.* 10.

Rugi, *Ruſiani*, *Leg. Edw. Conf. Tit.* De L. Noricorum——— *Aufugit ad regnum* Rugorum *quod nos melius vocamus* Ruſſiam; and afterwards ſpeaking of *Margaret* the Siſter of *Edgar*, and Queen of *Scots*, *Ex parte vero matris*, *ex genere & ſanguine regum* Rugorum.

Runcilus and **Runcinus**, Is uſed in *Domeſday* (ſays *Spelman*) for a Load-Horſe, *Equus operarius colonicus*, or a Sumpter-Horſe; and ſometimes for a Cart-Horſe, which *Chaucer*, in the *Seaman's Tale* calls a *Rouncy*.

He rod upon a Rouncy *as he could.*

Rune, From the Sax. *Runnunge*, *i.* a Courſe or Running, a Water-courſe, ſo called in the Marſhes of *Somerſetſhire*: Hiſtory of *Imbanking* and *Draining*, *fol.* 106.

Rungata.——— *Inter antiquas conſuetudines Abbatiæ S. Edmundi*——— *In prato de* Nomannes, Lond.——— *quamdiu fœnum fuerit in prato*, *debent Meſſor & Inlard eſſe in prato die & nocte ad cuſtodiam fœni*, *& idcirco habebant fœnum de cota ſua*, *ſed ipſum non debent adducere donec Cellerarius vel ſui viderint ſi nimis appoſuerint*, *vel non*, *quod ſi fecerint*, *menſurabitur & uſque ad unum* rungatam *ad plus moderabitur*, *&c.* Cartular. S. Edmundi, MS. fol. 318.

Runlet, alias **Roundlet**, Is a certain Meaſure of Wine, Oyl, *&c.* containing Eighteen Gallons and a half. *Anno* 1 *R.* 3. *cap.* 3.

Ruoda, Leg. Saxonum, Tit. 2. ſect. 1.——— *Qui nobilem occiderit* cccxl *ſol. componat.* Roda *quod dicitur apud Saxones* cxx *ſol. & inter præmium* cxx *ad* Ruod *veteri lingua Saxonica crucem ſignificat.* For it is moſt certain, that our Anceſtors the *Saxons* called the Croſs, *Rode* or *Roode*; hence came the *Rode-loft*, and we ſtill call *Diem Sanctæ Crucis*, Holy-rood-Day.

Rupta Is the ſame with *Routa*, which ſee. *Mat. Pariſ.* in *Anno* 1199. uſes it for a Troop of Soldiers.——— *Qui duces fuerunt catervæ* (*quam* Ruttam *vocamus*) *militantes ſub Comite Jo. fratre Regis* Richardi *equitationem facerent*, *&c.*

Ruptarii, *Milites*, Soldiers. *Mat. Par. in Anno* 1198. *Sed quoniam idem Epiſcopus* (*Belluacenſis*) *contra ordinis ſui dignitatem captus fuerat in armis*, *ut miles vel* Ruptarius, *non prius eſt abire permiſſus donec* 6000. *argenti carucis ad pondus ſterlingorum numeratis & fiſco commendatis Regiæ concupiſcentiæ ſatisfeciſſet.* Hollinſhead, pag. 243. calls them *Rutters*, and *pag.* 98, 99. *Ruptarii*, *i. e.* Robbers, called alſo *Rutarii*; and *Rutta* was a Company of Robbers. *Mat. Pariſ. Anno* 1250. mentions the one, *viz. Ubi eſt ille* Ruptarius *percuſſor impius*, *&c.* And *Neubrigenſis* mentions the other, *viz. Per ſtipendiariam militiam quam* Rutas *vocant*; from whence we derive the Word *Rout*, and *Bankrupt*. See *Rout*.

Ruptura, Arable Land, or Ground broke——— *Terram quoque tam in manſuris quam in* rupturis *totius parochiæ hominibus ibi hoſpitatis excolendam*, *reſervato tantummodo camparto*——— *conceſſit.* Orderic. Vital. lib. 5. pag. 596.

Rural Deans, *Decani rurales*. Of whom *Spelman* gives this Account, *Sunt* Decani *temporales ad aliquod Miniſterium ſub Epiſcopo vel Archiepiſcopo exercendum conſtituti*; *qui nec habent inſtitutionem Canonicam ſecundum Doctores*. And this *Rural Dean* he ſuppoſes to be the ſame, which in the Laws of *Edward* the Confeſſor, *cap.* 31. is called *Epiſcopi Decanus*. See *Dean*. Each Dioceſe hath in it one or more Archdeaconries for Diſpatch of Eccleſiaſtical Buſineſs, and every Archdeaconry ſubdivided into fewer or more *Rural Deanries*. *Heylin's Coſmog. fol.* 304. and he ſays, they were antiently called *Arch-Preſbyteri & Decani Chriſtianitatis*. See a Diſſertation of the Inſtitution and Authority of *Rural Deans*, by Mr. *Kennet*, in his *Paro h. Antiquities*.

Ruſca. *Habuit Rex* (Griffin) *unum Manerium Biſcopeſtreu*, *& in Dominio unam Carucam habebat*, *& homines ejus ſex Carucas*. *Quando ipſe Rex ibi veniebat*, *reddebat ei unaquæq*; *Caruca* CC. Heſthas, *unam*

unam Cunam *plenam Cervisia & unam butyri* Ruscam. *Domesday, Tit. Cestre.* This *Rusca butyri* was a Tub of Butter, in *Ireland* still called a *Ruskin. Rusca apum* is a Hive of Bees. Hence *Decima de* Ruschis, was used for Tithe of Bees. *Charta Will. de Bray mil. Canonicis de Oseney, temp. Hen.* 3. See *Hestha. Decimam de agnis, de caseis & velleribus, de vitulis, de* Ruschis *& de faldravis.* Mon. 2 Tom. pag. 986.

Ruscaria, (from *Ruscus*,) The Soil where Kneeholm or Butchers-Broom grows, or where the Holly or Holm-Tree; for *Ruscus Sylvestris* signifies that Tree.

Rusche, *Mellarium, alveare.* For so it seems to signify in a Charter of *Will. Bray* Knight, made to the Canons of *Osney*——— *Ita tamen, ut tantum de apibus, quas ipse* Will. *& hæredes qui & homines sui in Curiis habebant, decimas percipiant, scil. de* Ruschis. It may be derived from the French *Ruche*, that signifies in Latin *Alveare.*

Rustici, The Chorls, Churls, Clowns, or inferior Country Tenants, who held Cottages and Lands by the Services of Ploughing, and other Labours of Agriculture for the Lord. The Land of such ignoble Tenure was called by the Saxons *Gafolland*, as afterwards *Soccage Tenure*, and was sometimes distinguished by the Name of *Terra Rusticorum.* So *Gilbert Basset* gave to his Priory of *Burcester.*——— *Unam virgatam terræ in* Strattun *collectam de* terra Rusticorum, *quæ data fuit in dote prædictæ Capellæ.* Paroch. Antiquit. pag. 136.

Rutarii, Stipendiary Forces, or Mercenary Soldiers, in the Service of our old *English* Kings, who came from Foreign Parts, especially from *Germany* ——— Anno 1216. 18 Cal. Febr. *cepit Johannes Rex Angliæ villam & castellum de Berwic. ubi cum* Rutariis *suis ferox supra modum & inhumana usus est tyrannide*——— *in reditu autem suo* Rutarii *sui Ministri Diaboli Abbatiam de Coldingeham expugnaverunt.* Chron. Mailros. sub anno.

Rutupium, *Sandwich* in *Kent.*

Rymmers about, They seem to be Vagabonds, *q. d. Roamers about.* Skene, lib. De Crimin. Capital. Tit. 2. C. 14. Paragr. 2. F. 135. pag. 2.

S.

Sabatons, *i. e.* Soldiers Boots.

Sabbatum, In *Domesday, Tit. Sudsex*, is used for Peace; *Terra* Will. *Episcopi de* Tetford, *Bisedes* hundred, *num.* 18. *Postquam* Willielmus *Rex advenit & sedebat in* Sabbato, *&* Willielmus Mallet *fecit suum mastellum de* Eia, *&c.*

Sabellinæ pelles, *i. e.* Sables. It is mentioned in *Hoveden, pag.* 758. *Petiit ab Episcopo Lincolniensi singulis annis unum mantellum furratum de* Sabellinis. So in *Brompton, Anno* 1188. *Statutum fuit in Anglorum gente ne quis Escarleto*, Sabelino *vario, vel griseo uteretur.* See *R. Hagulstad, pag.* 328. and *Neubrigensis, lib.* 3. *cap.* 22.

Sables. See *Furr.*

Sabulonarium, A Gravel-pit, or the free Use of it, a Liberty to dig Gravel or Sand, or a Right to receive the Money paid by others for Leave to dig Gravel or Sand within such a Precinct.——— *Et debent habere* Sabulonarium *& chiminagium per totam censariam prædictam.*——— *Petit. Parl. temp. Ed.* 3.

Sabulosa Terra, *i. e.* Sandy Ground. *Fleta, lib.* 2. *cap.* 76.

Sac, *Saccha vel saucha.* This *Minshew* renders to signify a Royalty or Privilege touching Plea, or Correction of Trespasses of Men within a Manor; and that the Word *Sac* in the *Saxon* Tongue properly signifies as much as (*Causa* with the Latines) *Sake*, whence we in *English* still retain the Expression, for whose Sake, *&c.* that is, for whose Cause: But in the Laws of *Edward* the Confessor, thus, Sacha *est quod si quilibet aliquem nominatim de aliquo calumniatus fuerit, & ille negaverit, forisfactura probationis vel negationis (si evenerit) sua erit.* I will also exhibit an Exposition both of *Socha & Sacha* out of a very antient Manuscript Book, in which are registred several Donations to a Cathedral Church in *England*, being in the Custody of *Silas Taylor* Gent. where, after the Recital of a certain Charter, granted by *Edward* the Confessor to them, *Cum* Saka *& cum* Sokna, there follows an Exposition of them both in red Letters thus,

Sequitur expositio illorum Terminorum Soka *&* Saka.

Soka, *Hoc est secta de hominibus in curia vestra secundum consuetudinem Regni.*

Saka, *Hoc est placitum & emenda de transgressionibus hominum in Curia vestra.*

The first is only the Suit of Court due by the Inhabitants of a Lordship or Manor; and *Sac* is the Liberty of holding Pleas, and imposing Mulcts and Forfeitures upon Transgressors in that Court. But *Rastal*, and some others, define *Sac* to be the Forfeiture it self. *Bracton, lib.* 3. *tract.* 2. *cap.* 8. quoted by *Staundford* in his *Pleas of the Crown, lib.* 1. *cap.* 23. uses the Word, but both of them leave the Signification undetermined. *Skene de verbor. signif. verb. Sack*, writes, That in some old Books it is called *Placitum de transgressione hominum in curia nostra*; see him at large, and *Hoveden, part. suor. annal. fol.* 345. See *Keilway's Rep. fol.* 145. *Et Breve* Hen. 2. *Justiciariis de Norfolc. Præcipio ut sanctus Benedictus de Rameſia ita bene & libere habeat* Socam *&* Sacam *suam, &c.* See *Saka.*

Sacaburh, alias **Sacabere**, or **Sakebere**, Is he that is robbed, or by Theft deprived, of his Money or Goods, and puts in Surety to prosecute the Thief with fresh Suit; according to *Selden*, in his *Titles of Honour*, and *Britton, cap.* 15 *&* 29. With whom agrees *Bracton*, (*lib.* 3. *tract.* 2. *cap.* 32. *n.* 2.) *Furtum vero manifestum est, ubi latro deprehensus sit seisitus de aliquo latrocinio, sc.* Hondhabend *&* Backberend, *& insecutus fuerit per aliquem cujus res illa fuerit, qui dicitur* Sacaburh, *&c.* It may come from *Sac*, or *Saca, i. e. Lis, causa, prosecutio*, and *Burh, Pignus, hoc est, Furti Symbolum. Spelman.* Sir *Edward Coke* says, *Sacabere*, or *Sakebere*, is derived of *Sac* and *Bere*, that is, he that did *bear* the *Bag.* 3 *Inst. fol.* 69.

Saccini Were Monks so called, because they wore next their Skins a Garment of Goats Hair; for *Saccus* signifies coarse Cloth made of such Hair. They are mentioned by our Historian *Walsingham, viz. Aliquos status de ordinibus prædicantium approbavit, aliquos reprobavit ut* Saccinos, *&c.*

De Saccis, *Fratres* de Saccis. The Sackloth Brethren, or the Penitential Order. *Jurati præsentant quod Adam de Huriel tenuit ut escaetum suum*

Domos quæ valent per annum 10 *sol. quæ quondam fuerunt Fratrum de pœnitentia qui vocabantur* Fratres de Saccis *infra Aldemaneriam de Weſtgate in civitate Cantuar.* Placit. 8 Ed. 2.

Saccus cum Brochia Was a Service or Tenure of finding a Sack and a Broach to the King, for the Uſe of his Army. *Bracton, lib.* 2. *tract.* 1. *cap.* 6. hath theſe Words, *Si quis teneat per ſervitium inveniendi Domino Regi certis locis & certis temporibus unum hominem & unum equum &* Saccum cum Brochia, *pro aliqua neceſſitate vel utilitate exercitum ſuum contingente.*

Sacreborgh, alias **Sikerborgh**, *Securus plegius vel pignus*, A good Pledge or ſufficient Caution. See *Sacaburh.*

Sack of Wool, *Saccus Lanæ*, Is a Quantity of *Wool* containing Twenty-ſix Stone, and every Stone Fourteen Pounds. 14 *E.* 3. *ſtat.* 1. *cap.* 2. See *Sarplar.* In *Scotland* it is Twenty-four Stone, and each Stone Sixteen Pounds. See *Skene.*

Sacrafield Rents Are certain ſmall *Rents* paid by ſome Tenants of the Manor of *Chuton* in *Somerſetſhire*, to Sir *Charles Waldgrave* Lord thereof; but he cannot tell why they are ſo called.

Sacramento relipiendo, quod vidua Regis ſe non maritabit ſine licentia Regis, Is a Writ or Commiſſion to one, for the Taking of an Oath of the King's Widow, that ſhe ſhall not marry without the King's Licence. *Reg. Orig. fol.* 228.

Sacramentum, An Oath: The common Form of all Inquiſitions made by a Jury of free and legal Men—— *Qui dicunt ſuper Scramentum ſuum.* Whence poſſibly the proverbial Offering to take the *Sacrament* in affirming or denying, was firſt meant of atteſting upon Oath.

Sacramentum Altaris, The Sacrifice of the Maſs, or what we now call the Sacrament of the Lord's Supper. For which Communion, in the Times of Popery, the Pariſh-Prieſt provided Bread for the People, and Wine for himſelf, out of the ample Offerings; and in appropriated Church this Burden was commonly laid upon the Vicar, becauſe he received the cuſtomary Oblations.—— *Panem & vinum pro* Sacramento Altaris *Vicarius illius Eccleſiæ* (*i. e. de Meriton Com. Oxon.*) *propriis ſumptibus exhibebit.* Paroch. Antiq. pag. 483.

Sacramentum plenum, *Dictum reor* (ſays *Spelman*) *de completo numero duodenario, ut in Leg. Edw. Confeſ. ab Ingulpho datis, cap.* 17.

Sacrilegium, Sacrilege, or an Alienation to Lay-Men, and to profane or common Purpoſes, of what was given to religious Perſons, and to pious Uſes. Our honeſt Fore-fathers were very tender of incurring the Guilt and Scandal of this Crime. And therefore when the Order of the Knights-Templars was diſſolved, their Lands, &c. were all given to the Knights Hoſpitallers of *Jeruſalem*, for this Sacred Reaſon.—— *Ne in pios uſus erogata contra donatorum voluntatem in alios uſus diſtraherentur*—— Paroch. Antiquit. p. 390.

Sacriſta, (*Lat.*) In old Times called *Sagerſon*, and *Sagiſton*; now *Sexton.*

Sacrobarra, Lib. MS. de Officio Coronatoris, *Inquirendum eſt per* 12 *juratores pro Rege ſuper Sacramentum ſuum quod fideliter præſentabunt ſine ullo concelamento omnes fortunas*, (*i.* fortaſſe occiſos) *abjurationes, appella, murdra*, Sacrobarra, *felonias factas, per quas & quæ*, &c. *Quære*, ſaith *Spelman*, if *Sacrobarra* be not the ſame with *Sacrilegia.*

Safe Conduct, *Salvus Conductus*, Is a Security given by the Prince, under the Great Seal of *England*, to a Foreigner, for his quiet coming in and paſſing out of the Realm; touching which, read the Statutes, 15 *H.* 6. 4. 18 *H.* 6. 8. & 28 *H.* 8. *cap.* 1. and the Form of it, *Reg. Orig. fol.* 25.

Safe Guard. See *Salva gardia.*

Safe Pledge, *Salvus plegius*, Is a Surety given for a Man's Appearance againſt a Day aſſigned. *Bracton, lib.* 4. *cap.* 2. *num.* 2. where it is alſo called *certus plegius.*

Sageman, (Sax.) *LL. Hen.* 1. *cap.* 36. Seems to ſignify a Tale-teller, or ſecret Accuſer. From the Sax. *Saga, i. e. Fabula.*

Sagibaro, alias **Sachbaro**, The ſame that at preſent is called *Juſticiarius*; for *Sagibarones* were *cauſarum judices qui in publicis conventibus jus dicebant liteſq; dirimebant*, from whence alſo the Name may be derived; for *Sac* or *Sag* ſignifies *Cauſam* or *litem*, and *Baro, virum vel hominem*, as one would ſay, *Vir cauſarum*, a Judge.

Sagitta Barbata, A bearded Arrow, ſuch as we uſually call *A broad Arrow. Reddendo inde annuatim pro omni ſervitio ſex* Sagittas Barbatas *ad Feſtum Sancti Michaelis*, &c. Carta Hugonis de Logiis, ſine Dat.

Sagittaria, A Sort of ſmall Veſſels, or Ships with Oars and Sails. *Exin pro varietate locorum vario defudans navigio, modo* Sagittario, *modo lintre, nec tam utens remo quam velo.* R. de Diceto, Anno 1176.

Sagmarius equus, A Sumpter-Horſe; from *Sagma, onus.*

Sailing Ware, *Anno* 1 *R.* 3. *cap.* 8. May be Canvas, or ſuch other Cloth as Sails for Ships are made of.

Saio & Saiones, *Fori vel Magiſtratus Miniſter*, A Tipſtaff or Serjeant at Arms, *qui reos protrahunt in judicium.* It may be derived from the Sax. *Sagol, Fuſtis*, becauſe they uſe to carry a Rod or Staff of Silver.

Saka, Hoc eſt, *Quod Prior habet emendas & amerciamenta de tranſgreſſionibus hominum ſuorum in Curia ſua litigantium tam liberorum, quam Villanorum.* Reg. Priorat. de Cokesford. See *Sac.*

Saker, A great Field-gun.

Salarium, *Salinum*, A Salt-ſeller—— *Idem Abbas reliquit unum ſcyphum de Tamaris, unum* Salarium *argenteum & picarium argenteum.*—— Cartular. Abbat. Glaſton. MS. f. 54. a.

Salfarium Is the *Latin* Word for Cuſtom paid for Salt, according to *Cambden* in his *Brit. Tit. Cheſhire.*

Salary, *Salarium*, Is a Recompence or Conſideration made to Man, for his Pains or Induſtry beſtowed on another Man's Buſineſs. The Word is uſed 23 *E.* 3. *cap.* 1. The Word *Salarium* at firſt ſignified the Rents or Profits of a *Sala*, Hall or Houſe. (In *Gaſcoigne* they now call the Seats of Noblemen *Sales*, as we do Halls.) It afterwards ſtood for any Wages, Stipend, or annual Allowance.

Salcræ, *Saludy* in *Bedfordſhire.*

Salet Is a Head-piece, (*Anno* 4 & 5 *Phil. & Mar.*) From the French *Salut, i. è. Salus*; mentioned alſo 20 *Rich.* 2. *cap.* 1. viz. *Sallet or Scul of Iron*, &c. otherwiſe called a *Moriam* or *Pot.*

Salicetum, An Oſier Bed, or low moiſt Place on the Banks or Eyts of a River for the Growth of Oſiers, Willows or Withies. Saxon *Weliges*, old Engliſh, *Wickers.* Thence a *Wicker-Basket*, a *Wicket* or *Door* made of Basket-work, &c.

Molendinum

Molendinum de Kertlinton cum quadam particula Salicceti, *quæ de meo feodo eſt.* Paroch. Antiquit. p. 201.

Salicher, (*Puto pro Saligerio*) A carrying of Salt by Way of Service, by Tenants for their Lords. See *Hoſterium.*

Salina, A Salt-pit, a Houſe or Place where Salt is made, *In Herbagiis & Piſcariis, in* ſalinis *& Fabricis, in mineriis ferreis, &c.* Cart. 17 E. 2. num. 28.

Salina Is ſometimes wrote for *Salma, i. e.* a Pound-Weight. *Statutum R.* 1. *pro Cruceſignatis, viz. Si quis bladum emerit, & de eo panem fecerit, tenetur lucrari in* Salina *unum teruncium & Brannum.*

Salique Law, *Lex* ſalica, *De terra* ſalica *nulla portio hæreditatis mulieri veniat, ſed ad virilem ſexum tota terra hæreditas perveniat, &c.* was an ancient Law made by *Pharamond* King of the *Franks*, Part of which ſeems to have been borrowed by our *Henry* the Firſt in compiling his Laws, as *cap.* 89, *Qui hoc fecerit ſecundum Legem* ſaliceam *moriatur, &c.*

Salma. See *Salina.*

Salmon-pipe, 25 H. 8. *cap.* 7. Is an Engine to catch *Salmons*, or ſuch like Fiſh.

Salmon fewſe Seems to be the young Fry of *Salmon*, *Quaſi* ſalmon *iſſue.* 13 R. 2. *ſtat.* 1. *cap.* 19.

Saltatorium. A Deer-leap. *Clamat habere liberum Parcum ſuum apud* Halton *cum duobus* Saltatoriis *in eodem.* Pl. apud Ceſtriam 31 Edw. 3. *Quod habeat unum* Saltatorium, *longitudine* 20 *pedum in Parco ſuo de Bigging.* Pat. 1 Edw. 3. p. 2. m. 10.

Salt-ſilver, One Penny paid at the Feaſt of St. *Martin*, by the ſervile or cuſtomary Tenants to their Lord, as a Commutation for the Service of carrying their Lord's Salt from Market to his Larder. ——— *In manerio de Pydinton quilibet virgatarius dabit Domino unum denarium pro* Salt-ſilver *per annum, ad dictum Feſtum S. Martini, vel cariabunt ſalem Domini de foro ubi emptus fuerit ad Lardarium Domini.* Kennet's Paroch. Antiquit. pag. 496.

Saltus, Highwood. See *Boſcus.*

Salva garda Is a Security given by the King to a Stranger, fearing the Violence of ſome of his Subjects, for ſeeking his Right by Courſe of Law; the Form whereof ſee in *Reg. Orig. fol.* 26.

Salvage Money Is a Recompence allowed by the Civil Law, in Lieu of all Damages ſuſtained by that Ship that ſaves or reſcues another which was ſet upon by Pirates or Enemies.

Salvagius, Wild, Savage. Salvagius *Catus*, The wild Cat. *Rex Johannes dat licentiam Ricardo Godſfeld & h redibus, quod habeant octo brachetos & unum Leporarium in foreſta noſtra de Eſſex, ad capiendum vulpem & leporem & catum* Salvagium. Rot. Cart. 1. Joh. p. 2. m. 10.

Salute, *Salus*, Was a Coin of Gold ſtamped by King *Henry* the Fifth in *France* after his Conqueſts there: Whereon the Arms of *England* and *France* were ſtamped quarterly, ſee *Stow's Ch. pag.* 589.

Salvus Plegius. See *Plegius.*

Sancta Are the Reliques of the Saints; and *Jurare ſuper* Sancta, was to make Oath on thoſe Reliques. *Si quis falſum juramentum ſuper* Sancta *jurabit & convictus fuerit, &c.* Leg. Canuti, cap. 51.

Sanctuary, *Sanctuarium*, Is a Place privileged by the Prince, for the Safeguard of Men's Lives that are Offenders, being founded upon the Law of Mercy, and upon the great Reverence, Honour and Devotion, which the Prince beareth to the Place whereto he granted ſuch a Privilege. *Staundf. Pl. Cor. lib.* 2. *cap.* 38. This ſeems to have taken Beginning from the Cities of Refuge, mentioned *Exod. cap.* 21. In Imitation whereof, firſt the *Athenians*, then *Romulus*, erected ſuch a Place of Immunity, which they called *Aſylum. Polydor. Virgil. de inventione rerum, lib.* 3. *cap.* 12. The like did the *Roman* Emperors, as appears, *Cor. lib.* 1. *Tit.* 15. But amongſt all others, our antient Kings of *England* attributed moſt to theſe *Sanctuaries*, permitting them to ſhelter ſuch, as had committed both Felonies and Treaſons, ſo that within Forty Days they acknowledged their Fault, and ſubmitted themſelves to Baniſhment; during which Time, if any Layman expelled them, he was excommunicated, if any Clerk he was made irregular: But after Forty Days, no Man might relieve them. *Staundf. Pl. Cor. lib.* 2. *cap.* 38. See of this the *New Book of Entries*, verb. *Sanctuary*, and *Fleta, lib.* 1. *cap.* 29. and how by Degrees they have been taken away, read 26 H. 8. 13. 28 H. 8. 7. 32 H. 8. 12. 33 H. 8. 15. 1 E. 6. 12. 2 E. 6. 2 & 33. 5 E. 6. 10. See *Abjuration.* Of theſe there were many in *England*, but one more famous than the Reſt at St. *John's* of *Beverley*, which the *Saxons* called *Fridſtoll*, which had this Inſcription, *Hæc ſedes Lapidea* Freedſtoll, *dicitur, i. Pacis Cathedra ad quam reus fugiendo proveniens, omnimodo habet ſecuritatem.* So had St. *Martins le Grand* in *London.* 21 H. 8. *cap.* 16. *Ripon* had the like; for which ſee *Froamortel. Creyland* had the like, granted by *Whitlafe*, King of the *Mercians.* St. *Buriens* in *Cornwal* had the like, granted by K. *Athelſtan, Anno* 936. And *Weſtm.* the like, granted by King *Edward* the Confeſſor. This in *Scotland* they call *Girthol*, or *Grithol.*

Sandacra. ——— *Omnibus,* ——— Guido filius Simonis, ——— *dedit unum Toſtum cum* Sandacra *quæ ad illud pertinet.* Sine dat. Penes Eliam Aſhmole, Arm.

Sandall, 2 R. 2. *cap.* 1. Is a Merchandiſe brought into *England*, and is a Kind of Wood brought out of *India*; for *Scandal* in *French* ſo ſignifies, and the like does *ſantalum* in *Latin.*

Sandgavel. In the Lordſhip of *Redeley in Com. Glouc.* the Tenants pay to the Lord a certain Duty of *Sand-gavel*, for Liberty granted to them to dig up *Sand* for their Uſes. *Taylor's Hiſtory of Gavelkind, p.* 113.

Sandwich. See *Rutupium.*

Sanguinem emere. *Omnes Cuſtumarii de Manerio de Grendon Epiſcopo debent Tak & Toll &* Sanguinem *ſuum* emere. Lib. niger. Heref. By which is underſtood, they were bound to buy or redeem their Villain Blood or Tenure, and make themſelves Freemen.

Sanguinem redimere, To pay the Merchet, or accuſtomed Fine, for Leave given to ſervile Tenants to diſpoſe of their Daughters in Marriage. ——— *Præterea dicunt quod debent* redimere ſanguinem *ſuum, ita quod maritagium non ſe defaciat propter duritiam prædicti Abbatis* ——— Cartular. Rading. MS. fol. 223. a.

Sanguis Is taken for that Right or Power which the Chief Lord of the Fee had to judge and determine Caſes where Blood was ſhed. *De murderia & rapina, de igne, de* Sanguine, *de ſanſoche*

ſanſoche & de omni purpreſtura. Mon. 2 Tom. pag. 1021.

Sarabara, A Covering for the Head. *Ille per civitatem Londinenſem, vallatus quatuor tortoribus larvatis & effigiatis in* Sarabaris, *improperantibus ei convitia exprobrantur.* Mat. Weſt. Anno 1295.

Sarclingtime Is the Time when the Husbandman weeds his Corn. And it proceeds from the French *Sarcler*, or the Latin *ſarclare*, both which ſignifies to weed; from whence alſo proceeds *ſarclum*, a weeding Hook.

Sarcu, Cordage for Ships. *Haſtingus debet invenire 21 naves, in qualibet navi 21 homines cum* Sarcone, *&c.* W. Thorn.

Sarculatura, Weeding Corn. *Una Sarculatura*, the Tenants Service of one Day's Weeding for the Lord.——— *Tenet in bondagio, & debet unam aruram, & unam* ſarculaturam. *Parocb. Antiquit. pag.* 401. *Alicia quæ fuit uxor Richardi le Grey faciet unam* ſareulaturam, *& unam Wedbedripam*, ib. pag. 403.

Sarkellus, An unlawful Net or Engine for deſtroying Fiſh.——————— *Inquiſitiones factæ coram Juſticiariis anno* 1254.——————— *De hiis qui piſcantur cum Kidellis &* Sarkellis. *Annal. Burton, pag.* 339.

Sarplar of wool, *Sarplera Lanæ*, otherwiſe called a *Poket*, is half a Sack, a Sack Eighty Tod, a Tod Two Stone, and a Stone Fourteen Pound. *Fleta, lib. 2. cap.* 12. This in *Scotland* is called *Serpliath*, and contains Four-ſcore Stone. For the Lords of the Council, *Anno* 1527. decreed four *Serpliaths* of packed Wool to contain Sixteen-ſcore Stone of Wool. See *Skene de verbor. ſignif. verb.* Serpliath, and 3 *part, Inſt. fol.* 96.

Sart, *Eſſart*, A Piece of Wood-land turned into Arable. See *Aſſart.*

Sartum. See *Aſſart.*

Sarum Is intended for the City of *Salisbury*; It was a Form of Church-Service called *Secundum uſum* Sarum, and was compoſed by *Oſmund* the Second Biſhop of *Sarum* in the Time of *William* the Conqueror. *Holinſhead, p.* 17. *col. E.* See *Sorbiodunum.*

Saſſe, *Anno* 16 & 17 *Car.* 2. *cap.* 12. Is a Kind of Weer with Flood-gates, moſt commonly in cut Rivers, for the Shutting up and letting out the Water, as Occaſion requires, for the more ready paſſing of Boats and Barges to and fro. This in ſome Places, as *Guilford* River, is called a *Lock*, in others leſs properly a *Turnpike*, and in others a *Sluce.*

Saſſons, The Corruption of *Saxons*, a Name by which the *Engliſh* were formerly called in Contempt, (as they are ſtill by the *Welſh*) while they rather affected the Name of *Angles.*

Satira, A broad Diſh or Platter.——— *Ubicunque tamen comederet*, ſatiram *habebat coram ſe capaciſſimam, quam de appoſitis ſibi cibis in eleemoſynam infirmorum cumulabat.* Vita Rob. Betun Epiſcopi Hereford. apud Whartoni Angl. Sacr. P. 2. pag. 309.

Saturdays-ſtop Is a Space of Time in which of old it was not lawful to take Salmons, in *Scotland*, and the North of *England*, that is, from Even-ſong on *Saturday*, till Sun-riſing on *Monday.*

Saver default Is Word for Word to excuſe a *Default:* This is properly, when a Man having made a *Default* in Court, comes afterwards and alledges a good Cauſe why he did it, as Impriſonment at the ſame Time, or ſuch like. *New Book of Entries*, verb. *Saver de default.*

Saunkefine May be derived from the French *Sang, ſanguis*, and *fin, finis*; and is a Phraſe uſed by *Briton, cap.* 119. for the Determination or final Race of a Deſcent of Kindred.

Saurus, *i. e.* A Hawk of a Year old. *Per ſervitium unius aſturtii* Sauri, *vel unius Eſparverii* Sauri. Bracton, lib. 5. tract. 1. cap. 2. par. 1.

Sauvagina for *Salvagina*, or *Silvagina*, *i. e.* Beaſts which live in the Woods. *De tota* Sauvagina *& omnibus beſtiis ſilveſtribus cujuſcunque generis forent, &c.*

Saxonlage, *Seaxenlaga, Lex Saxonum.* See *Merchenlage.*

Scabini, Wardens, was a Word uſed by the Wardens of *Linne* in *Norfolk*, in a Charter in theſe Words, *Sciant præſentes & futuri quod nos* Richardus Bowghere *Aldermanus*, Edw. Baker, Joh. Browne, Rob. Some, & Will. Hall, *Draper, Cuſtodes ſive* ſcabini *& fratres fraternitatis ſive Gildæ Mercatoriæ ſanctæ Trinitatis villæ* Lenne Epiſcopi *in Com.* Norf. *pro quadam pecuniæ ſumma inter nos præfatum Aldermannm & cuſtodes ſive* ſcabinos, *& fratres &* Thomam Miller *de* Lenne *prædicta mercatorem* concordati, *tradidimus, dimiſſimus & feoffavimus, &c. totum illud Meſſuagium noſtrum, &c.* Dat. 20 die Apr. Anno Reg. Regis, Hen. 8. 18.

To Scalam, The old Way of paying into the Exchequer Twenty Shillings and Six Pence for a Pound Sterling. *Gervaſe* of *Tilbury* reports, that King *William* the Firſt, for the better Pay of his Warriors, cauſed the *Arms*, which till his Time had for the moſt Part been anſwered in Victuals, to be converted *in Pecuniam numeratam*, and directed the Whole in every County to be charged on the Sheriff, to be by him brought into the Exchequer; adding, that the Sheriff ſhould make the Payment *Ad Scalam, hoc eſt* (as the foreſaid Author expounds it) *ſolveret præter quamlibet numeratam libram ſex denarios.* For at that Time Six Pence ſuper-added made up the full Weight, and near the intrinſick Value. *Vide* Lownds's *Eſſay on Coin, pag.* 4. This was agreed upon as a Medium to be the common Eſtimate or Remedy for the defective Weight of Money, thereby to avoid the Trouble of weighing the Money brought into the Exchequer. *Vide* Hale *of Sheriffs Accounts, pag.* 21.

Scalera, The ſame with *Scaliera, i. e.* a Quarry or Stone-Pit. *Et inde ſicut Regale Chiminum ſe extendit uſque ad* Scaleram *quæ eſt ſuper feodum Britii palmarii, & a dicta* Scalera *per quandam ſemitam, &c.* Du Cange.

Scalinga, A Quarry or Pit for Stones, or rather Slates for covering Houſes. French *Eſcailliere.* Whence our *Scales*, and the *ſcaling* of Stones.——— *Communem paſturam totius moræ, cum liberis hominibus meis, & unam* ſcalingam *in competenti loco ultra Hertingburn.* Mon. Angl. Tom. 2. pag. 130. *in boſco, In plano, in pratis, in paſcuis, in meſſis, &* ſcalingis, *&c.* ib. p. 633.

Scalingæ. *Rich. de Luci omnibus. Sciatis me dediſſe Burgenſibus meis de Egremund & hæredibus ſuis* Gretfeoh, *cum omnibus pertinentiis ſuis, & terram de Ulecotes, &c. Et ſciendum eſt quod poſſint* Scalingas *ſuas ponere in prædicta terra juxta diviſas de Suntun inter Milnebech & Eben, ita quod nullus homo ibi manere debet ad focum & locum, præter paſtores, &c.* Penes Will Dugdale Mil. Of which Word thus a learn-

a learned Perſon writes: "I have no where "elſe met with your *Scalingæ*, and am as much "to ſeek for the Meaning of it as your ſelf. If "I may contribute my Conjecture, I ſhould "gueſs by *Scalingas* are meant Partitions or "Diviſions; as coming from the Saxon *Scyle*, "*Diſtinctio*, *Separatio*, whence their Verb *Scylan*, "*Diſtinguere*, *ſeparare*. In which Senſe the *Dutch* "(as I learn from *Kilian*) uſe *Scheelen*." The Foot-grates at Church-yards are called *Scalings*.

Scandalum Magnatum Is the ſpecial Name of a Statute, and alſo of a Wrong done to any high Perſonage of the Land, as Prelates, Dukes, Earls, Barons, and other Nobles; and alſo to the Chancellor, Treaſurer, Clerk of the Privy Seal, Steward of the Houſe, Juſtice of one Bench or other, and other great Officers of the Realm, by falſe News, or horrible or falſe Meſſages, whereby Debates and Diſcords betwixt them and the Commons, or any Scandal to their Perſons might ariſe. *Anno* 2 *R.* 2. *cap.* 5. and hath given Name to a Writ, granted to recover Damages thereupon.

Scangium, for *Excambium*.

Scannum caducum, *Scannum caducum*, A Cucking-Stool, or Ducking-Stool ——— *Debet mulier pro debili, i. e. mala cerviſia tertia vice pati judicium corporale, ſcil. in* ſcanno caduco, *& tum cerviſia debet capi in manu Abbatis* —— Conſuetudines Abbatiæ de Farrendon, MS. fol. 22.

Scapton for *Sceptrum*. *Miſſurum etiam argenteum*. Scapton *aureum, item ſellam cum fræno aureo, &c.* Mon. 1 Tom. pag. 24.

Scatatus Signifies either Chequered or Scarlet. *Caligis etiam rubris, etiam Saccatis*, for *Scatatis*. Concilium Londinenſe, Anno 1342. cap. 2.

Scavage, *Scavagium*, It is otherwiſe called *Schevage*, *Shewage* and *Scheauwing*, may be deduced from the Saxon *Seawian*, *oſtendere*, and is a Kind of Toll or Cuſtom exacted by Mayors, Sheriffs, &c. of Merchant-ſtrangers, for Wares *ſhewed* or offered to Sale within their Precincts, which is prohibited by the Statute 19 *H.* 7. 8. In a Charter of *Henry* the Second to the City of *Canterbury*, it is written *Scewinga*, and (in *Mon. Ang.* 2 *per. fol.* 890. *b.*) *Sceawing*; and elſewhere I find it in Latin *Tributum Oſtenſorium*. The City of *London* ſtill retains the Cuſtom, of which in *An old printed Book of the Cuſtoms of London*, we read thus, *Of which Cuſtom halfen del appertaineth to the Sheriffs, and the other halfen del to the Hoſtys in whoſe Houſes the Merchants been lodged: And it is to wet that* Scavage *is the* Shew *by cauſe that Merchanties ſhewn unto the Sheriffs Merchandiſes, of the which Cuſtoms ought to be taken ere that ony thing thereof be ſold*, &c.

Scavenger, From the Belgick *Scavan*, to ſcrape. Two of every Pariſh within *London* and the Suburbs, are yearly choſen into this Office, who hire Men called *Rakers*, and Carts to cleanſe the Streets, and carry away the Dirt and Filth thereof, mentioned 14 *Car.* 2. *cap.* 2. The *Germans* call him a *Dreckſimon*, from one *Simon*, a noted *Scavenger* of *Marpurg*.

Scrap, A Meaſure of Corn. Latin *Schapa*. *Schaphus*, from *Scapha*, a Boat, or *Skipp*, or *Sciff*. *Scepp[illegible]is*, a Quantity of Salt. *Mon. Ang. Tom.* 2. *pa[illegible]* 284. —— Eight Quarter and one *Sceap* of Wheat. *Paroch. Antiq. pag.* 604. A Basket (and Baskets were formerly the common Standards of Meaſure) is now called a *Skip* or *Skep* in the South Parts of *England*; and a Bee hive is termed a *Bee-skip*.

Sceata, (From the Saxon *Sceat*, *i. e.* a ſmall Part.) This was a braſs Coin amongſt the *Saxons* equal to Four *Saxon* Farthings; ſo that Five *Sceats* made Six Pence.

Sceattman, (Saxon) A Pyrate or Thief. *LL. Ætheldredi, apud Brompton.*

Sceppa ſalis, An antient Meaſure of Salt, the Quantity (I think) now not known. *Et quinque* Sceppas ſalis *per annum de ſalinis meis de Weſtotum.* Mon. Angl. 2 Par. fol. 824. b.

Sceurum, A Barn or Granary. It is mentioned in *Ingulphus*, *pag.* 862. *Cæpit largiente domino bonis omnibus abundare ut tam in Theſauris quam* Sceuris *poſtmodum duplicia redderentur.*

Schaffa, A Sheaf, as *Schaffa ſagittarum* a Sheaf of Arrows. See *Skene de verbor. ſignif. eod. verbo.*

Scharrenny, ——— *Sampſon Dei gr. Abbas S. Edmundi & Conv. ſalutem, &c. facta eſt compoſitio inter Nos & Burgenſes de villa S. Edmundi quod Præpoſitus ejuſdem villæ dabit ſingulis annis* ——— *denarios quos appellabant Repeſilver, item denarios pro faldagio vaccarum ipſius villæ quos nominabant* Scharpenny, *&c. Cartular. S. Edmundi, MS. fol.* 247. From whence I think may be inferred, that ſome cuſtomary Tenants were obliged to pen up their Cattel at Night in the Pound or Yard of the Lord, for the Benefit of their Dung, or if they did not ſo, they paid a ſmall Compenſation call'd *Scharpenny* or *Sharnpenny*, *i. e.* Dung-penny, or Money in Lieu of Dung. The Saxon *Scearn* ſignified Muck or Dung. In ſome Parts of the North they ſtill call Cow-dung by the Name of *Cow-Skern*, and in *Weſtmorland* a *Scarny Houghs*, is a naſty dirty Dunghil-Weneh. The ſame Duty above mentioned was likewiſe called *Schornpenny*, nearer to the Original *Scearn*, Dung, and is thus plainly deſcribed in the ſame old Cartulary of St. *Edmundsbury* in *Suffolk.* ——— *Burgenſibus villæ S. Edmundi data eſt quitantia cujuſdam conſuetudinis quæ dicitur* Schorn-penny ——— *Solebat enim Cellerarius accipere unum denarium per annum de qualibet vacca hominum villæ pro* exitu, (*i. e.* their Dung) *niſi forte eſſent vaccæ Capellanorum vel Servientium Curiæ quas vaccas ſolebat imparcare.* ——— ib. fol. 31.

Schavaldus, The Officer who collected the *Scavage*-Money, which was ſometimes done with Extortion and great Oppreſſion. *Richardus Epiſcopus Dunelmenſis conſecratus Anno* 1311. Schavaldos *inſurgentes in Epiſcopatu fortiter compeſuit. Aliqui ſuſpendebantur, aliqui extra Epiſcopatum fugabantur.* Hiſt. Dunelm. apud Wharton. Ang. Sac. P. 1. p. 756. *Rex nitebatur fratrem Epiſcopi capere, & in vindictam* Schayvaldi *vel Prædonis* Johannis *de Werdala a Servis Epiſcopi occiſi in Inſula ſacra in mortem tradere.* Ibid.

Scheren-ſilver, Shearing-ſilver, or a Payment of a ſmall Sum of Money to the Lord by a cuſtomary Tenant for the Liberty of Shearing his Sheep. In the Manor of *Berton Magna* held of the Abbot and Convent of St. *Edmunds* in *Suffolk.* ——*Alexander Raſon tenet unum meſſuagium & quinq; acras terræ* —— *Et ſi habeat bidentem vel vaccam dabit* Scheren-ſilver *ſicut Rogerus de Holme.* Cartular. S. Edmundi, MS. fol. 26. b. Though poſſibly it is the ſame with *Schar-penny*, or Money given for Dung of Beaſts.

Schetes, The Commons pray that Order may be taken againſt the horrible Vice of Uſury, then termed *Schetes*, and practiſed by the Clergy as well as the Laity. *Rot. Parl.* 14 *Rich.* 2.

Schilla,

Schilla, A little Bell which was formerly uſed in the Monaſteries, and often mentioned in our Hiſtories, *viz. Sumpta in manibus chorda pro excitandis fratribus* Schillam *pulſantem.* Eadmerus lib. 1. cap. 8.

Schildpenny, *Tributum ſingulo ſcuto impoſitum*, eſcuagium, ſcutagium, *vide.*

Schirman, (Sax. *Scirman*,) A Sheriff. *LL. Inæ Regis apud Brompton.* See *Shireman.*

Schipfordunga, *Apparatus navigii*, Ship-tackle.

Skarcalla. It was eſpecially given in Charge by the Juſtices in *Eyre*, that all Juries ſhould inquire *De his qui piſcantur cum Kiddellis &* Skarcallis. *Co. 2 par. Inſt. fol.* 38.

Schirrens-geld, *Schire-geld*, A Tax paid to the Sheriffs for keeping the *Shire* or *County-Court.* In *Berton Magna Willielmus Filius Johannis Marchaunt tenet partem meſſuagii & unam acram terræ ——— & reddit quolibet tertio anno unum den. ad Ward-ſilver die S. Petri ad vincula & quolibet tertio anno 1 denar.* Hundreds-geld & Schirrenes-geld ——*temp. Ed.* 1. Ex Cartular. Abbat. S. Edmundi. *MS. fol.* 37. *b.*

Scilly Iſles. See *Sillinæ Inſulæ.*

Scire facias Is a Writ Judicial, moſt commonly to call a Man to ſhew cauſe to the Court whence it iſſues, why Execution of a Judgment paſſed, ſhould not be made out: This Writ is not granted until a Year and a Day be elapſed after a Judgment given. *Old Nat. Brev. fol.* 151. *Scire facias* upon a Fine lies not, but within the ſame Time after the Fine levied, otherwiſe it is the ſame with the Writ of *Habere facias ſeiſinam. Weſt Symbol.* part. 2. Tit. *Fines, ſect.* 137. and 25 E. 3. *Stat.* 5. *ca.* 2. & 39 *El. c.* 7. Other Diverſities of this Writ you may find in the Table of the *Regiſter Judicial and Original.* See alſo the *New Book of Entries*, verb. *Scire facias.*

Scirewyte, The annual Tax or Preſtation paid to the Sheriff, for holding the Aſſizes or County-Courts. ——*In ſolutiis pro quadam penſione vocata* Seirewyte *annuatim* 10 *ſol.* —Paroch. Antiq. *p.* 573.

Scite, 32 H. 8. *cap.* 20. See *Site.*

Scogilus, The Hilt or artificial Handle of a Sword.——*Enſis Scogilatus*, a Hilted Sword. ——*Si inter aliquos diſſenſio conſurgat, ex quo aliquis eorum* gladium ſcogilatum *evaginet, non eſt etiam expectandum ut percutiat.* Leg. Hen. 1. *cap.* 83.

Scot, (Sax. *Sceat*, *i. e.* a Part or Portion) is (according to *Raſtal*) a certain Cuſtom or common Tollage, made to the Uſe of the Sheriff or his Bailiffs. *Scot* (ſays *Cambden* out of *Matth. Weſtm.*) *illud dicitur, quod ex diverſis rebus in unum acervum aggregatur. Anno* 22 *Hen.* 8. *cap.* 3. Bearing neither *Scot*, Lot, nor other Charges, &c. *Anno* 33 *H.* 8. *c.* 9. In Records it is ſometimes written *Scoth.*

Scot and Lot (*Anno* 33 *Hen.* 8. *cap.* 9.) Signifies a cuſtomary Contribution laid upon all Subjects, according to their Ability. *Hoveden* (*in principio Hen.* 2.) writes it *Anlote & Anſcote.* In the Laws of *William* the Conqueror, ſet forth by *Lambard*, you have theſe Words; (*cap.* 54.) *Et omnis Francigena, qui tempore Edwardi propinqui noſtri fuit in Anglia, particeps Conſuetudinum Anglorum, quod ipſi dicunt* Anhlote & Anſcote *perſolvat ſecundum legem Anglorum.* Again; *Rex omne injuſtum* Scottum *interdixit.* Hoven. in Anno 1088. *Scot*, from the Sax. *Sceat, ut ſupra*; *Lot*, Sax. *Llot*, i. e. *Sors.*

WIllielmus *Rex Anglorum* Herberto *Norwicenſi Epiſcopo & omnibus Baronibus ſuis de* Norfolc & Suffolc *ſalutem. Sciatis me dediſſe Sanctæ Trinitati Norwicenſis Eccleſiæ, rogatu Rogeri Bigoti, terram Michaelis de* Utmonaſterio & *terram de* Tanerham, *quæ ad eandem terram pertinet, quietam ſemper & liberam ab omnibus* Scotis & Geldis, & *omnibus aliis Conſuetudinibus.* T. Eudone *Dapifero apud* Weſtm. &c.

See of the Biſhop in *Loſinga.*

Scotal, or **Scotale**, (*Scottalla & Scotalium*,) is a Word uſed in the Charter of the Foreſt, *c.* 8. *Nullus Foreſtarius vel Bedellus faciat* Scotallas, *vel Garbas colligat, vel aliquam Collectam faciat*, &c. *Manwood, Par.* 1. *pag.* 216. defines it thus: A *Scotal* is where any Officer of the Foreſt keeps an Ale-houſe within the Foreſt, by Colour of his Office, cauſing Men to come to his Houſe, and there to ſpend their Money for Fear of Diſpleaſure. It is compounded of *Scot* and *Ale*; which by Tranſpoſition of the Words is otherwiſe called an *Aleſhot*, and by the Welſhmen *Cymmorth.*

MEmorandum, *quod prædicti tenentes* (de Southmalling) *debent de conſuetudine inter eos facere* Scotalium *de xvi denariis & ob. Ita quod de ſingulis ſex denariis detur* 1 *denar. & ob. ad potandum cum Bedello Domini Archiepiſcopi ſuper prædictum Feodum.* Ex vetere Conſuetudinario Manerii de Southmalling Archivis Archiep. Cantuar.

Spelman derives it from *Scot & Tallia*, *i. e.* a Tribute. So that *Scotallum* is a Kind of Contribution of any Thing. And *Brompton* is of the ſame Opinion, *viz.* A Contribution towards the Charge of the Bailiffs. But in the *Engliſh* Councils it ſignifies a Drinking-bout. *Communes potationes quas* Scotallas *mutato nomine caritatis appellant, deteſtantes.* Concil. Lambeth. Anno 1206. *c.* 2.

Scottare. Thoſe Tenants are ſaid *Scottare* whoſe Lands are ſubject to pay *Scot. Et de tota terra ſua extra Burgum de Thetford de qua non* Scottaverunt *tempore Rogeri Bigot.* Monaſticon, 1 Tom. *pag.* 875. In a Charter of King *Henry* 1. to the Abbey of St. *Edmund* in *Suffolk.*——— *Et prohibeo ut Homines Sancti Edmundi & terræ ſuæ non aliter* ſcottent *quam tunc temporis fecerunt* ——— *Teſt.* Roberto Malet *apud* Weſtm. *Ex* Cartular. S. Edmundi. *MS. penes* Joh. *Epiſcopum* Norwic. *fol.* 166.

Scozars, *Schozers*, Wheels for ſome Carriage; they ſeem to have been Plough-Wheels, from Saxon *Scos*, Shoes and *Erian* to Plough or *Ear.* ——— *Et in uno pari rotarum vocat.* Schozears *empto ibidem vii ſol. ii. den.* ——— Paroch. Antiquit. *p.* 373.

Scrudland, A *Saxon* Word, and is *Terra cujus proventus veſtibus emendis aſſignati ſunt.* Land allotted for buying Apparel. See the *Saxon Dictionary hoc verbo. Ita Eadſius quidam Presbyter in Charta ſua Eccleſiæ Cantuar. data dedit etiam terram illam apud* Orpedingtunam *in vita ſua, pro anima ſua, Deo in Eccleſia Chriſti ſervientibus in* Scrudland, i. e. *Fundum veſtiarium.* Sax. Dict.

Scutage (*Scutagium*, Sax. *Scildpenig*) Was a Tax or Contribution, raiſed from thoſe that held Lands by Knights-Service, towards furniſhing the King's Army, at One, Two, or Three Marks for

for every Knight's Fee, for *Henry* the Third, for his Voyage to the Holy-Land, and a Tenth granted by the Clergy, and *Scutage*, Three Marks of every Knight's Fee by the *Laity*. *Baronag. Angliæ*, 1 *Part. fol.* 211. *b.* This was also levied by *Henry* the Second, *Richard* the First, and King *John*. See *Escuage*.

Scutagio habendo Was a Writ that lay for the King, or other Lord, against the Tenant that held by *Knights-Service*, to serve by himself, or else to send a sufficient Man in his Place, or pay, &c. where the King intended to make a Warlike Expedition against the *Scots* or *French*. *F. N. B. f.* 83. It is used in the *Register Original*, for him to recover *Escuage* of others, that hath either by Service or Fine performed his own to the King, *fol.* 88. *b.*

Scute, a *French* Gold Coin, value 3 *s.* 4 *d.* coined about the Year 1427. in the Reign of *Henry* V. It comes from the *French* Word *Ecu*, which signifies a Crown, or Gold Money. *Katherine*, Queen of *England*, had an Assurance made her of sundry Castles, Manors, Lands, &c. severally named, and valued to the Sum of Forty Thousand *Scutes*, every Two whereof were worth a Noble. *Rot. Parl.* 1 *H.* 6. *n.* 40. So the learned *Fortescu*, speaking of the Inns of Courts, says, *In his enim Hospitiis nequaquam potest studens aliquis sustentari minoribus expensis in Anno, quam octoginta Scutorum*, cap. 49.

Scutella, *Scotella*, From *Scutum*. Sax. *Scutel*, *Scuttle*, any Thing of a flat and broad Shape, like a Shield, especially a Plate or Dish, a shallow wooden Bowl or Platter is still called a *Scuttle*. And in *Kent*, the broader Shovel with which they turn Malt or Corn, is called the *Skuttle*. ——— *Et in duabus* scotellis *manualibus emptis ibidem vii den.* &c. Paroch. Antiquit. pag 574.

Scutella eleemosynaria, An Alms-Basket or Scuttle. *Et præterea singulis futuri seculi tres panes de* Scutella eleemosynaria. *Charta Wal. Muchegros.*

Scutum Armorum, A Coat of Arms ——— *Noverint universi per præsentes me* Johannam *nuper uxorem* Will. Leigh *de* Knightley *Dominam & rectam hæredem de* Knightley *dedisse*, &c. Richardo Peshale *filio Humfridi Peshale* scutum armorum meorum. *Habend. & tenend. ac portand. & utend. ubicunque voluerit, sibi & hæredibus suis in perpetuum; Ita quod nec ego nec aliquis alius nomine meo aliquod jus vel clameum vel calumpniam in prædicto* scuto *habere potuerimus, sed per præsentes sumus exclusi in perpetuum, In cujus*, &c. Dat. apud Knightley. *Anno* 14 *H.* 6.

Scyldwit, (Sax.) *Mulcta detractatæ seu derelictæ militiæ*. LL. H. 1. cap. 38. Or rather, a Mulct for any Fault; from the Sax. *Scilde*, i. e. *Delictum*, and *Wite*, *pœna*, *Si* Scyldwite *intra Burgum, & curiam fiat* 30 *denar. emendetur Regi & Thaynis*. Leg. H. 1. c. 38.

Scyra. All the Tenants were bound to attend the *Scyregemot*; and those who neglected were to pay a Mulct or Fine, which was called *Scyra*, *viz. Si libera & quieta de* Schyris *& hundredis*. Mon 1 Tom. *pag.* 52.

Scyra civitatis, The Scire, Ward, or Division of a City. In *Eboraco* civitate *T. R. E. præter* scyram *Archiepiscopi fuerunt sex* scyræ, *una ex his est vastata in castellis*. Lib. Domesdei.

Scyregemot Is a mere *Saxon* Word, and signifies a Court held twice every Year (as the Sheriffs Turn is now) by the Bishop of the Diocese and the *Ealderman* (in Shires that had *Ealdormen*) and by the Bishops and Sheriffs, in such as were committed to the Sheriffs that were immediate to the King, wherein both the Ecclesiastical and Temporal Laws, were given in Charge to the Country. *Selden's Titles of Honour*, *fol.* 520. See *Consistory*. This Court at first was held Three Times in the Year, *viz. Et habeatur in Anno ter Burgimotus & Scire-motus. Leg. Canut. cap.* 38. But *Edward* the Confessor, *cap.* 35. appointed it to be held Twelve Times, and *Hundreda & Wapentachia duodecies in anno congregari.*

Seal (*Sigillum*) Is well known. The first *sealed* Charter we find extant in *England*, is that of King *Edward* the Confessor upon his Foundation of *Westminster Abbey*. *Dugdale's Warwickshire*, *fol.* 138. *b.* Yet we read in the Manuscript History of *Offa*, King of the *Mercians*, ——— *Rex Offa literas Regii* Sigilli *sui munimine consignatas eidem Nuncio commisit deferendas.* And that *Seals* were in Use in the *Saxons* Time, see *Taylor's History of Gavelkind*, *fol.* 73. See *Wang. Anno* 1536. *Domini etiam atque Generosi, relictis imaginibus equitum in* Sigillis, *posuerunt Arma sua in parvis Scutis.* Chron. Joh. Rossi, in Bibl. Cotton. *Md. quod* Henricus de Pergount *die Lunæ in crastino S. Mich. venit in Cancellaria apud Lincoln & publice dixit quod* Sigillum *suum amisit, & protestatur, quod si aliquod Instrumentum cum* Sigillo *illo post tempus illud inveniretur consignatum, illud nullius esse valoris vel momenti.* Claus. 8 Edw. 1. m. 3. dorso. See *Sigillum* and *Obligation.*

It was usual in the Time of *H.* 2. and before, to *seal* all Grants with the *Sign of the Cross: Has donationes & ordinationes confirmarunt & cruce signarunt Henricus Rex & Mathildis Regina.* Monast. 3 Tom. *f.* 7. and *Ordericus Vitalis* tells us, That Archbishop *Dunstan* with his Suffragans, *prædictarum rerum donationem facto crucis in Charta signo corroboravit*, lib. 4.

That most of the Charters of the English *Saxon* Kings were thus signed, appears by *Ingulphus*, and in the *Monasticon*, and that the Crosses were all Gold. But it was not so much used after the Conquest: *Nam Chirographorum confectionem Anglicanam qua antea usque ad Edwardi Regis tempora fidelium præsentium subscriptionibus cum crucibus aureis aliisque signaculis firma fuerunt, Normanni condemnantes Chirographa Chartas vocabant.* Du Cange. See *Sigillum.*

Sea-Law. See *Oleron.*

Sealer, *Sigillator*, Is an Officer in Chancery appointed by the Lord Chancellor, or Lord Keeper of the Great Seal of *England*, to *seal* the Writs and Instruments there made in his Presence.

Seame, Saxon. See *Seme.*

Seane-fish, (1 *Jac. Sess.* 1. *c.* 25.) Seems to be a Sort of *Fish* which is taken with a very great and long Net called a *Seane.*

Searcher. See *Alneger.*

Sea-rover, *Anno* 16 *Car.* 2. *cap.* 6. See *Pirate.*

Seaton See *Moridunum.*

Sea-reeve *in villis maritimis is est qui maritimam Domini jurisdictionem curat, litus lustrat, & ejectum maris* (*quod* Wree *appellatur*) *Domino colligit.* Spelm.

Second Deliverance, *Secunda deliberatio*, Is a Writ that lies for him, who, after a Return of Cattel, replevied; adjudged to him that diſtrained them, by reaſon of a Default in the Party that replevied, for the Replevying of the ſame Cattel again, upon Security put in for the Redelivery of them in caſe the Diſtreſs be juſtified. *New Book of Entries*, verbo *Replevin in* Second Deliverance, *fol.* 522. See *Dyer*, *fol.* 41. *num.* 4, 5.

Second Marriage, *Secundæ Nuptiæ*, Is when after the Deceaſe of one, he marries a *ſecond* Wife. This our Law terms *Bigamus*, and had ſo little Favour to, that it admitted not ſuch to holy Orders.

Secretarium Is a Houſe or Chamber near the Church, in which the Plate and Garments of the Prieſts were kept, and like that which we now call a Veſtry.

Hic locus eſt veneranda penus quo conditur, & quo
Promitur alma ſacri pompa miniſterii.

Sometimes the Biſhops and Prieſts ſate together in theſe Veſtries, to conſult of the Affairs of the Church; and in Reſemblance of that ancient Cuſtom, the Miniſter, Churchwardens, and the chief Men of moſt Pariſhes do, even at this Time, meet in the Veſtry, and conſult of the like Matters.

Secretarius, *A Secretis*, A Secretary. The Word formerly ſignified any Confident, Favourite or Intimado. —— *Cuncta denique agenda ſua ad nutum unius* Secretarii *ſui paſſim committere.* Paroch. Antiquit. *pag.* 388. The Title is now only given to him that is *ab Epiſtolis, & ſcriptis ſecretis*: As the Two Secretaries of State, *&c.*

Secta, A Suit of Cloaths. *Ad Sectam, de Secta*, according to ſuch a Suit or Sort. As the Religious in the greater Convents gave Liveries *ad diverſas ſectas*, of different Suits or Kinds, according to the Condition and Office of thoſe who received and wore their Livery. *Henricus Prior Elien. & Conv.* ——— *Noveritis nos conceſſiſſe Joh. Brewode* —— *annuatim unam robam pro ſeipſo de* ſecta *Armigerorum, & aliam de* ſecta *Valettorum pro famulo ſuo*———*Dat.* 14 *Decemb.* 16 *H.* 4. Cartular. Eccl. Elien. *MS. f.* 83.

Secta ad Curiam Is a Writ that lies againſt him who refuſes to perform his Suit either to the *County* or *Court-Baron* *F. N. B. f.* 158.

Secta ad juſtitiam faciendam Is a Service which a Man is bound to perform by his Fee. *Bracton*, lib. 2. c. 16. num. 6.

Sectæ Curiæ, Suit and Service done by Tenants at the Court of their Lord —— *Homines de Hedingdon facient ſectam curiæ Domini ſex ſeptimanis, & ſi Breve Domini Regis in dicta curia attachietur, tunc ſectam illam facient de tribus ſeptimanis in tres ſeptimanas.* Paroch. Antiquit. *pag.* 320.

Secta faciendæ per illam quæ habet æniciam partem Is a Writ to compel the Heir, that hath the Elder's Part of the Co-heirs, to perform Service for all the Copareeners. *Reg. Orig. fol.* 177.

Secta Molendini Is a Writ lying againſt him that was wont to grind at the Mill of *B.* and after goes to another Mill with his Corn. *Reg. Orig. f.* 153. *F. N. B. fol.* 122. But it ſeems by him, that this Writ lies eſpecially for the Lord againſt his Frank-tenant, who held of him by making Suit to his Mill. See the *New Book of Entries* on this Word *Secta ad molendinum.* And *Aſſiſes of Nuſance* are at preſent much turned into Treſpaſſes and Actions upon the Caſe. See *Balduinus ad titulum de ſervitutibus prædictorum in Inſtit.*

Sectam proferre *Eſt teſtimonium legalium hominum qui contractui inter eos habito interfuerint præſentes producere.* Fleta, *lib.* 2. *cap.* 63. *ſect. Nullus.* And *ſecta* is uſed for a Witneſs, *Id. lib.* 4. *cap.* 16. *ſect.* final. *Habes tamen* ſectam *unam vel plures, &c.*

Secta Regalis, A Suit ſo called, by which all Perſons were bound twice in a Year to attend the Sheriff's Tourn, that they might be informed in Things relating to the Peace of the Publick; and this Suit was called *Regalis*, becauſe the Sheriff's Tourn was the King's Leet; and it was a Court held that the People might be bound by Oath to bear true Allegiance to the King; for all Perſons above Twelve Years old were obliged to take the Oath of Allegiance in this Court.

Secta ſhirarum. *Per* ſectam ſhirarum *clamat eſſe quiet. de* ſecta *in Com. Ceſtriæ & Flint. coram Juſtic. Domini Principis in communi aula Placitorum.* Plac. in Itin. apud Ceſtriam, 14 *Hen.* 7. See *Kennet*'s Gloſſary in *Secta Schirarum & hundredorum.*

Secta unica tantum faciendo pro pluribus hæreditatibus Is a Writ that lies for that Heir that is diſtrained by the Lord to more Suits than one, in reſpect of the Land of divers Heirs deſcended unto him. *Reg. Orig. f.* 177. *a.*

Sectis non faciendis Is a Writ that lies for a Woman, who, for her Dower, ought not to perform Suit of Court. *Reg. Orig. f.* 174. It lay alſo for one in Wardſhip, to be freed of all Suits of Court during his Wardſhip. *Reg. Orig. f.* 173, but ſee 12 *Car.* 2. *c.* 24.

Secundary, *Secundarius*, That Officer who is the Second, or next to the chief Officer; as the *Secundary* of the Fine-Office; the *Secundary* of the Compters, who is next to the Sheriff of *London* in each of the two Compters; *Secundary* of the Office of the Privy Seal. *Anno* 1 *Ed.* 4. *cap.* 1. *Secundaries* of the Pipe, two: *Secundary* to the Remembrancers, which are Two Officers in the Exchequer. *Cambd. p.* 113.

Secunda ſuperoneratione paſturæ Is a Writ that lies where Admeaſurement of *Paſture* hath been made; and he that firſt ſurcharged the Common, doth again ſurcharge it, notwithſtanding the Admeaſurement. *Reg. Orig. fol.* 157. *Old Nat. Brev. f.* 73.

Securitatem inveniendi quod ſe non divertat ad partes exteras ſine licentia Regis, Is a Writ that lies for the King againſt any of his Subjects to ſtay them from going out of his Kingdom; the Ground of which is, That every Man is bound to ſerve and defend the Commonwealth, as the King ſhall think meet. *F. N. B. f.* 85.

Securitate pacis Is a Writ that lies for one who is threatned Death or Danger, againſt him that ſo threatneth, and is taken out of the Chancery, and directed to the Sheriff; the Form and farther Uſe whereof, you may ſee in *Reg. Orig. f.* 88. and *Fitz. Nat. Brev. f.* 79.

Sedatium. See *Mortuary*; Sedatium *Commune reſpui non debet, ſi modicum fuerit; ſi magnum, accipiendum uſque pretium Vaccæ, &c.*

Se defendendo Is a Plea for him that is charged with the Death of another, ſaying, He was neceſſitated to do that which he did in his own De-

Defence: The other ſo aſſaulting him, That if he had not done as he did, he muſt have been in Hazard of his own Life: But this Danger ought to be ſo great, that it ſeems inevitable. *Staundf. Pl. Cor. lib.* 1. *c.* 7. And though he juſtify it to be done in his own Defence, yet he is driven to procure his Pardon of courſe from the Lord Chancellor, and forfeits his Goods to the King, according to the ſame Author.

Seed-cod, A Basket, or other Veſſel of Wood carried upon one Arm of the Husbandman, to bear Seed or Grain, which he ſows with the other Hand. From Sax. *Sæd*, Seed, and *Codde*, a Purſe or ſuch like Continent. Hence *Codd* in *Weſtmoreland* is a Bolſter or Pillow, and in other Northern Parts a Cuſhion, as a *Pin-cod*, *i. e.* a Pincuſhion. A *Horſe-cod*, *i. e.* a Horſe-collar to guard his Neck. ——— The *Cod* of a Man or Beaſt, a *Cod-piece*, a *Peaſcod*, &c. ——— *Pro uno* Seed-cod *empto iv d.* Paroch. Antiquit. *p.* 549. See *Kennet*'s Gloſſary in *Seed-cod*.

Seeder, A Seedſman, or one who ſows the Ground: From the Sax. *Sedere*, which ſignifies Seed or Seedſman.

Segodunum, *Seaton* in *Northumberland*.

Seignior, *Dominus*, Is borrowed of the French *Seigneur*, and denotes in the general Signification as much as Lord; but particularly it is uſed for the Lord of the Fee, or of a Manor, even as *Dominus* or *Senior* among the *Feudiſts* is he who grants a Fee, or Benefit, out of the Land to another: And the Reaſon is, as *Hotoman* ſaith, becauſe having granted the Uſe and Profit of the Land to another; yet the Property, that is *Dominium*, he ſtill retains in himſelf. See *Hotoman in verbis feudal*, verb. *Dominus & ſenior*.

Seigniorage, 9 H. 5. *Stat.* 2. *cap.* 1. Seems to be a Royalty or Prerogative of the King, whereby he challengeth Allowance of Gold and Silver brought in the Maſs to his Exchange for Coin. By *Seigniorage* or Royalty out of every Pound-Weight of Gold, the King had for his Coin Five Shillings, out of which he paid to the Maſter of the Mint for his Work ſometimes one Shilling, ſometimes Eighteen-pence. Upon every Pound-Weight of Silver, the *Seigniorage* or Coinage anſwered to the King in the Time of King *Edward* 3. was Eighteen Penny-Weight *pondere*, which about that Time amounted to one Shilling, out of which he paid ſometimes Eight-pence, ſometimes Nine-pence to the Maſter. In the Time of *H.* 5. the King's *Seigniorage* of every Pound-Weight of Silver was Fifteen-pence. Vid. *Hale* of Sheriff's Accompts, *p.* 3.

Seigniory, *Dominium*, Is borrowed from the French *Seigneurie*, i. *dominatus*, *imperium*, *principatus*; and ſignifies with us a Manor or Lordſhip, *Seigniory de Sokemans*, Kitch. *fol.* 80. *Seigniory in groſs*, which ſeems to be the Title of him who is not Lord by Means of any Manor, but immediately in his own Perſon; as *Tenure in Capite*, whereby one holds of the King as of his Crown, is *Seigniory in groſs*. Kitchin, *fol.* 206. See *Seignior*.

Seignior in groſs Seemeth to be one that is a Lord, but of no Manor, and therefore can keep no Court. *F. N. B. fol.* 3.

Seillon. See *Selion*.

Seiſin, *Seiſina*, From the French *Seiſine*, *poſſeſſio*: So *Primier Seiſin* is the firſt Poſſeſſion, and *to ſeiſe*, is to take Poſſeſſion. See *Primier Seiſin*. Of the *French* Word *Seiſir*, is made the Latin *ſeiſire*, uſed both by the *Canoniſts* and *Civilians*. *Seiſin* according to the Common Law is Twofold, *Seiſin in Fact*, and *Seiſin in Law*. Perkin's Dower, 369, 370. *Seiſin in Fact* is, when a corporal Poſſeſſion is taken; *Seiſin in Law*, when ſomething is done, which the Law accounteth a *Seiſin*, as an Inrolment: And this *Seiſin in Law* is as much as a Right to Lands and Tenements, though the Owner be by wrong diſſeiſed of them. *Perkin's Tenant par le curteſie*, 457, 458. And it ſeems by *Ingham*, That he who hath an Hour's Poſſeſſion quietly taken, hath *Seiſin de droit & de claime*, whereof no Man may diſſeiſe him by his own Force or Subtilty, but muſt be driven to his Action, *ſect Briefe de Novel Diſſeiſin*. Coke, *lib.* 4. *fol.* 9. calls it *Seiſin in Law*, or *Actual Seiſin*. The *Civilians* call the one *Civilem poſſeſſionem*, the other *Naturalem*.

Seiſina habenda, quia Rex habuit annum, diem & Vaſtum, Is a Writ that lies for Delivery of *Seiſin* to the Lord of his Lands or Tenements, after the King, in the Right of his Prerogative, hath had the Year, Day and Waſte. *Reg. Orig. fol.* 165.

Seiſo, *Seſo-onis*. Seaſon, or ſtated Time. ——— *Debet operari in qualibet ſeptimana, a Feſto S. Michaelis uſque ad gulam Auguſti quolibet die operabili unum opus, pretium operis ob. quadr. & a Feſto S. Petri ad vincula uſque ad Feſtum S. Michaelis unum opus in quolibet die operabili* 1. *den. ob. excepto* ſeſone *hyemali*. Extent. Manerii de Garinges in *Spelman*, who leaves the Word unexplain'd.

Sel Signifies the Bigneſs of a Thing to which it's added, as *Selwood*, a great Wood.

Selda May be deduced from the Saxon *Seloe*, Seat or Stool. *Aſſiſa menſurarum*, *Anno* 9 R. 1. *apud* Hoveden, ——— *Prohibemus ne quis mercator prætendat* ſeldæ *ſuæ rubros pannos vel nigros vel ſcuta vel aliqua alia, per quæ viſus emptorum ſæpe decipiuntur ad bonum pannum eligendum*. In Majoribus Chronicis ubi locus hic vertitur. *Spelman* ſays, *Selda* is expounded for a *Window*: It ſignifies alſo a Shop, Shed, or Stall, *Sciant*, &c. *quod ego* Thomas Pencombe *de* Bromyard *dedi*, &c. Thomæ Forſenet *vicario Eccleſiæ de* Bromyard *prædi. unam* ſeldam *meam jacentem in* Bromyard *prid.* &c. *Dat.* &c. Anno 10 H. 6. ——— *Et medietatem unius* ſeldæ *vocat. Le Unicorne* in London. Mon. Ang. 2. par. fol. 322. *Selda* alſo ſignifies a Wood of Sallows, Willows, and Withies. Sir *Edward Coke* (*on Littl. f.* 4. *b.*) takes, or rather miſtakes, *Selda* for a Salt-Pit.

Selion of Land, *Selio terræ*, May be derived from the French *Seillon*, Ground riſing between Two Furrows; in Latin *Porca*, in *Engliſh* a Ridge of Land, and contains no certain Quantity, but ſometimes more, and ſometimes leſs: Therefore *Crompton* in his *Juriſdictions of Courts*, *fol.* 221. ſaith, That a *Selion of Land* cannot be demanded, becauſe it is a Thing uncertain: It may not without ſome Probability be deduced from the Saxon *Sul* or *ſyl*, i. *aratrum*; whence alſo the French *Seillonner*, id eſt, *arare*, to Plough. *Charta vetus Achronica* maketh Six *Selions* and a Half to be but one Acre. *Sciant* —— *quod ego Margeria filia Willielmi de Ryleia dedi*, &c. *Emmæ filiæ meæ pro homagio & ſervitio ſuo unam acram terræ in campo de* Camurth, *ſcil. illas ſex* Seliones *& dimid. cum forera & ſepe & foſſato quæ jacent in* Aldewic *juxta terram*, &c. See *Hade*, and *Kennet*'s Gloſſary *in Selio*.

Selunca. See *Selion*.

Sellam portare. See *Armiſcare*.

Sellibus. See *Selion.*

Seme, *Summa*, A Horſe-load; A *Seme* of Corn is Eight Buſhels. —— *Fratres Prædicator.* (Heref.) *pro* 2. *ſummagiis vocat.* Semes, *de focali percipiend. quotidie de boſco de* Heywood *pro termino* 20 *annorum*, 3 H. 5. par. 2. m. 18. See *Sumage* —— *Habebunt etiam dum* ſummas *frumenti, pro paſtellis, cum volnerint faciend.* Mon. Ang. par. 2. fol. 935. *Et ſint quieti de ſummagiis & murdro, & Tenniggs, & Wapentake, & Auxiliis Vice-comitum.* Ibid. fol. 201. a. —— *De quatuor* Summis ſalis, *continentibus quadraginta bullones pro dimidia ſalina ſua.* Ibid. f. 256. b. See *Summa.*

Semicinctium, A narrow Girdle: *Vel nudus omnino vel in* Semicinctiis *tabeſcens*, &c. Pet. Bleſenſis, Epiſt. 102.

Seminarium, A Seed-Leap. —— *In corballis & ſeminariis emptis iv den. ob. in tribulis & ligonibus emptis vii den.* Conſuetud. Domus de Farendon. *MS. fol.* 13.

Seminiverbius, A Preacher or Sower of Words, *Pet. Bleſenſis ſermo* 43 Seminiverbius *in Cathedra, Prælatus in Curia, Advocatus in miſſa.*

Senagium (From *Senatus*, ſometimes uſed for a *Synod*) is the ſame with *Synodal*, which ſee. *Item quod perſolvant Procurationem &* Senagium *Domino Archidiacono debitum.* Ordinatio Ric. Epiſc. Heref. Anno 1314.

Senator. In the Laws of *Edward the Confeſſor* we are told, That the *Britons* called thoſe *Senators* whom the *Saxons* afterwards called Aldermen, and ſometimes *Senators*; not for their Age, but for their Wiſdom, for ſome of them were young Men, but very well skilled in the Laws. In *Staundford's Pleas of the Crown, cap.* 28. we read a Charter of *Kenulph*, King of the *Mercians, viz. Conſilio & conſenſu Epiſcoporum &* Senatorum *gentis ſuæ largitus fuit dicto Monaſterio*, &c. In thoſe Days there were Two Men of Authority in every County, *viz.* The Alderman, whom the *Normans* afterwards called *Earl*, and the Shire-Reeve, whom they called *Vicecomes* or *Sheriff.*

Sendal, *Anno* 2 R. 2. *cap.* 1. Seems to be fine Linen or Silk, or *Cyprus* Silk, from the Italian *Zendalo*; but *Sandal* is a Kind of Phyſical Wood brought from the *Indies.*

Senege. *There goes out yearly in* Proxege *and* Senege 33*s.* 6*d.* Perhaps *Senege* may be Money paid for Synodals, as *Proxege* for Proxies or Procurations.

Seneucia, *Widowhood.* If a *Widow*, having Dower after the Death of her Husband ſhall marry, *vel filium, vel filiam in* Seneucia *peperit*, ſhe ſhall forfeit and loſe her Dower in what Place ſoever in *Kent. Tenen. in Gavelkind.* Plac. Trin. 17 E. 3.

Seneſcallo & Mareſchallo quod non teneant placita de libero tenemento, &c. Is a Writ directed to the Steward or Marſhal of *England*, inhibiting them to take Cogniſance of any Action in their Court that concerns either Freehold, Debt or Covenant. *Reg. Orig. f.* 185, 191.

Seneſchal. *Seneſchallus*, Is a *French* Word, but borrowed from *Germany*, being derived from *Sein*, a Houſe or Place, and *Schale, ſervus*; we *Engliſh* it a Steward, and ſo doth *Co.* on *Lit. f.* 61. As the high *Seneſhal* or Steward of *England. Staund. Pl. Cor. fol.* 152. *High Seneſhal* or Steward, and *South Seneſhal* or Under-Steward, *Kitchin, fol.* 83. is underſtood of the Stewards or Under-Stewards of Courts; *Seneſhal de l'hoſtel de Roy*, Steward of the King's Houſhold. *Cromp. Juriſ. fol.* 102. See 25 Ed. 3. Stat. 5. cap. 21. *In Purificatione Beatæ* Mariæ, *fuit filius Regis Anglorum Pariſiis & ſervivit Regi Francorum ad menſam ut* Seneſchallus *Franciæ*, Rob. de Monte in Anno 1170. pag. 649. See *Kennet's* Gloſſary.

Seney-Daps, Play-days, or Times of Pleaſure and Diverſion. ——— *Dies recreationis vocati Anglice* Seny-days *petuntur a Reſidentariis Eccleſiæ Ebor. verbis Gallicis* ——— *Moy honorables Seirs, Je an cet temps vous emprie donez mez gores de* Seney *coment eguunt glia eſte accuſtome a faire a un Canon Reſidentiar.* ——— Regiſt. Eccl. Ebor. *Anno* 1562.

Senglarius, A Boar ſo called, *Quia ſolus & ſingularis duobus primis Annis vagatur:* Tis mentioned in the *Monaſtic.* 1 *Tom. p.* 841. *Et paſturam ad* 20 *Vaccas & ad unum* ſenglarium, &c.

Senir, alias Sene, *Sena*, Is a medicinal Herb, the Uſe and Virtues whereof you may read in *Gerard's Herbal, lib.* 3. *cap.* 8. This is mentioned among other Drugs and Spices to be garbled. *Anno* 1 *Jac. c.* 9.

Senta, ——— *Willielmus de Braoſa dedit Regi octingentas marcas, tres dextrarios, quinque chacuros, viginti quatuor* ſenſas, *& decem Leporarios.* Cart. 7. Joh. I don't know whether any Writer has mentioned this Word but Mr. *Blount*, and he confeſſes his Ignorance of the Meaning of it. I take them to be the more ſlow and ſure-ſcenting ſmall Hounds or Beagles.

Senucum, a Land full of Brambles.

Separia, *Separaria*, A *ſeveral*, or divided into Encloſure, ſevered or ſeparated from other Ground, ——— *Placia quæ jacet juxta* ſepariam *Prioris & Conventus de Burnceſtre.* Paroch. Antiq. p. 336.

Separation, *Separatio*, Is the living aſunder of Man and Wife. See *Mulier.*

Septrigus, for *Septrigerius.*

Sepſilver, *Seepſilver*, Among the Cuſtoms of the Manor of *Cokefield*, belonging to the Abbey of St. *Edmund* in *Suffolk.* ——— *Cuſtumarius debet ſcindere & cariare quatuor caractatas focalis apud Sanctum Edmundum ad eandem firmam pro tribus operibus* ——— *& dabit* Seepſilver, *videlicet, pro quinque capitibus unum denarium, & quietus erit de uno opere pro* Sepſilver. *Cartular S.* Edmundi, *MS. fol.* 388.

Septuageſima, Mentioned *Weſtm.* 1. *c.* 51. Is always the Third *Sunday* before *Quadrageſima* excluſive, from which, until the *Octaves* after *Eaſter*, the Solemnizing of Marriage is forbidden by the Canon Law. It is called *Septuageſima*, as being above Seventy Days before *Eaſter*, as *Sexageſima* and *Quinquageſima*, becauſe the firſt is accounted Sixty, the latter Fifty Days before the ſame Feaſt, and are Days appointed by the Church to Acts of Penance and Mortification, and are preparative to the Devotion of *Lent* then approaching. The Laws of King *Canutus* ordained a Vacancy from Judicature, from *Septuageſima* to *Quindena Paſchæ.* See *Quinquageſima.*

Septum, An Incloſure, a Cloſe, and is ſo called, becauſe it is encompaſſed *cum ſepe & foſſa*, with a Hedge and a Ditch, or at leaſt with a Hedge.

Sepulchre, *Sepulchrum*, Is the Place where any dead Body lies interred; but a Monument is a Place where ſomething is ſet up for the Memorial of the Deceaſed, though the Corps lie not there.

Sepultura Is an Offering made to the Prieſt for the Burial of a dead Body: 'Tis mentioned in *Domeſday*, *viz. Eaſdem conſuetudines debent illi, &c. præter exercitum &* Sepulturam. Gale's Hiſt. Brit. *fol.* 765.

Sequatur ſub ſuo periculo Is a Writ that lies where a Summons *ad Warrantiſandum* is awarded, and the Sheriff returns, That he hath nothing whereby he may be ſummoned; then goes out an *Alias* and *Pluries*, and if he come not at the *Pluries*, then goes out this Writ. *Old Nat. Brev. f.* 163. *Co.* on *Lit. f.* 101.

Sequela cauſæ, The Proceſs, and depending Iſſue of a Cauſe or Trial.

Sequela Curiæ, Suit of Court,——*Et quod ſint liberi a* Sequela Curiæ. *Mon. Ang.* 2. par. fol. 253.

Sequela molendini, The owning Suit to a particular Mill, or being bound to grind Corn in that only Place; which was a Duty and Service laid upon many Tenents. *Concedere ſequelam molendini*, was to grant all the Toll and Profit ariſing from ſuch Cuſtomary Rights. *Sciant*—— *quod ego Stephanus de Ebroys* (i. e. *Devereux*) *dedi*——*Eccleſiæ Sancti Lenardi de Pyonia*——molendinum *meum de Froma cum omnibus pertin. ſuis, ſil. Molta*, Sequela *& Stagno*—— Reg. Priorat. de Wormley, *f.* 22. *a.*

Sequela Miſlanorum, All the Retinue and Appertinences to the Goods and Chattels of ſervile Tenants, which were at the arbitrary and abſolute Diſpoſal of the Lord.—*William de Lonſpe* confirmed to the Priory of *Burceſter* their Lands in *Wrechwick*—— *Cum Villanis & eorum* ſequelis *& catallis.—Villanos cum villanagiis omnibus catallis & tota* ſequela *ipſorum*—— Paroch. Antiq. *pag.* 216, 288.

Sequentia, A Jubilee, or Song of Rejoicing. *Fecit* Sequentiam *illam in Feſto Pentecoſtes.* Brompt.

Sequeſter Is a Term uſed in the Civil Law for renouncing, as when a Widow comes into Court, and diſclaims to have any Thing to do, or to intermeddle with her Husband's Eſtate who is deceaſed; ſhe is ſaid to *Sequeſter.*

Sequeſtration *Sequeſtratio*, Is the ſeparating of a Thing in Controverſy from the Poſſeſſion of both thoſe that contend for it: And it is of two Kinds, *Voluntary* or *Neceſſary*; *Voluntary* is that which is done by Conſent of each Party: *Neceſſary* is that which the Judge doth of his Authority, whether the Parties will or not. It is uſed alſo for the Act of the Ordinary, diſpoſing the Goods and Chattels of one deceaſed, whoſe Eſtate no Man will meddle with. *Dyer, fol.* 232. *num.* 5. *& f.* 256. *num.* 8. *& fol.* 260. *num.* 42. *& fol.* 271. *num.* 26. As alſo for the Gathering the Fruits of a Benefice void, to the Uſe of the next Incumbent. 28 *H.* 8. *c.* 11. *Forteſcue, c.* 50. and in divers other Caſes. See *Kennet's* Gloſſary *in Sequeſtrare.*

Sequeſtro habendo Is a Writ Judicial, for the diſſolving a *Sequeſtration* of the Fruits of a Benefice made by a Biſhop at the King's Command, thereby to compel the Parſon to appear at the Suit of another; for the Parſon upon his Appearance may have this Writ for the Diſcharge of the *Sequeſtration. Reg. Judic. fol.* 36.

Sequi, To prefer an Action, and proſecute a Suit or Cauſe, as Attorney or Proctor in a Court of Juſtice. *Qui ſequitur pro Rege*, the King's Attorney.

Sergeant, or **Serjeant**, *Serviens*, Cometh of the French *Serjeant*; i. *ſatelles*, a Man of the Guard, ſo called, becauſe he was *ſæpe accitus ad res neceſſarias in exercitu peragendas*, ſo *Calepine.* But *Skene de verbo. ſignif. verbor.* Serjeant, ſaith, It is, *vox compoſita de* ſerrer, *quod eſt includere, &* Gent, *quod pro gente, plebe vel populo uſurpatur.* This Word is diverſly uſed in our Law, and applied to ſundry Offices and Callings. Firſt, a *Serjeant* at Law (or of the Coyf) is the higheſt Degree taken in that Profeſſion, as that of a Doctor is in the Civil Law. And to theſe, as Men beſt learned, and moſt experienced of all others, one Court is ſet apart for them to plead in by themſelves, which is the Court of *Common Pleas*, where the Common Law of *England* is moſt ſtrictly obſerved; and though they have this Court to themſelves, yet they are not reſtrained from pleading in any other Courts, where the Judges (who cannot have that Honour, till they have taken the Degree of *Serjeant* at Law,) call them *Brothers*, and bear them with great reſpect next to the King's Attorney and Sollicitor General. Theſe are made by the King's Mandate, or Writ, directed unto them, commanding them, upon a great Penalty to take upon them that Degree by a Day certain therein aſſigned. *Dyer, fol.* 72. *num.* 1. See *Count.* And of theſe is the King's *Serjeant*, being choſen commonly out of the reſt, in reſpect of his great Learning, to plead for him in all Cauſes, eſpecially in thoſe of Treaſon. *Staundf. Pl. Cro. lib.* 3. *cap.* 31. And of theſe there may be more if it pleaſe the King. This, in other Kingdoms, is called *Advocatus Regius*, *Caſſan. de conſuet. Burgund, pag.* 850. With what Solemnity theſe *Serjeants* be created, read *Forteſcue, cap.* 50. *Cro* 3. *par. f.* 1. and 2 *Inſt. fol.* 213. Theſe were called anciently *Servientes Narratores. Et prædictus* Thomas *le Mareſchall dicit quod ipſe eſt communis* Serviens Narrator *coram Juſtic. & alibi ubi melius ad hoc conduci poterit, & quod ipſe in Placito prafatæ Aſſiſæ coram prafatis Juſticiariis ſtetit cum prædicto* Johanne, *& de concilio ſuo fuit, &c.* Trin. 25 Ed. 1. Coram Rege, Oxon 22—— *Md. quod Termino Trin. Anno* 26 *Hen.* 8. *Tho. Willoughby, & Johannes Baldwin.* Serjeants de Roy, *fueront fairs Chivaliers, & que nul tiels* Serjeants *devant fuer. unques fait Chivaliers.* Ex MS. Vocat. Spelman's *Reports.* In *Edward* the Sixth's Time, *Serjeant Benloes* wrote himſelf *Solus Serviens ad legem.* In ſeems for ſome Time there was none but himſelf.

Mr. *Selden* tells us they were formerly called *Doctores Legis*; though others are of Opinion that the Judges are more properly *Doctores Legis*, and the *Serjeants* are *Batchelors of Laws.* However, *Spelman* writes, That though a *Serjeant* may be richer than all the Doctors in the Commons, yet a Doctor is ſuperior in Degree to a *Serjeant:* For the very Name of a Doctor is Magiſterial, but that of a *Serjeant* is Miniſterial, for he is *Serviens ad Legem*, and the Doctors are ſeated and cover'd when they plead, but the *Serjeants* ſtand uncovered at the *Bar*, only they have a *Coif* on their Heads, which is *ſignum ſtatus & gradus.* This Word *Serjeant* is uſed in *Britton* for an Officer belonging to the County, and the ſame which *Bracton* in his Fifth Book, *c.* 4. *num.* b. calls *Servientem Hundredi*, and is in Truth no other than the Bailiff of the Hundred; and the Steward of a Manor is called *Serviens Manerii. Coke, col.* 4. *Copyhold Caſes, fol.* 21. *a.* The next is a *Serjeant at Arms*, or the *Mace*, (*Serviens ad Arma*) whoſe Office is to attend the Perſon of the King. *Anno* 7 *Hen.* 7. *cap.* 3. to arreſt Traitors or Perſons of Condition, and to attend the Lord High Steward of

of *England*, ſitting in Judgment upon any Traitor, and ſuch like. (*Pl. Cor. lib.* 3. *cap.* 1.) Of theſe, by the Statute 13 *R.* 2. *c.* 6. there may not be above Thirty in the Realm. Two of them, by the King's Allowance, do attend on the Two Houſes of Parliament, whoſe Office in the Houſe of Commons is, the keeping of the Doors, and (as of late it hath been uſed) the Execution of ſuch Commands, eſpecially touching the Apprehenſion of any Offender, as that Houſe ſhall enjoin him. *Crompt. Jur. fol.* 9. Another of them attends on the Lord Chancellor or Lord Keeper, in the *Chancery*: And one on the Lord Treaſurer of *England*: One upon the Lord Mayor of *London*, upon extraordinary Solemnities; one attendeth upon the Lord Preſident of *Wales*, and another upon the Lord Preſident of the *North*, &c.

Theſe *Serjeants at Arms* are in the old Books called *Virgatores*, becauſe they carried Silver Rods gilt with Gold before the King. *In eadem Curia Regis ſunt Virgatores populum gravantes, gravia feoda petentes.* Fleta, *lib.* 2. *cap.* 38.

Another Sort of *Serjeants* are chief Officers, who execute ſeveral Functions or Offices within the King's Houſhold; of which you may read many in the Statute of 33 *H.* 8. *c.* 12.

There is likewiſe a more inferior Kind of *Serjeants of the Mace*, whereof there is a Troop in the City of *London*, and other corporate Towns, that attend the Mayor or other Head Officer, chiefly for Matters of Juſtice. *Kitchin, fol.* 143. And theſe are called *Servientes ad Clavem. New Book of Entries, verbo, Scire facias, in Mainpernors, cap.* 3. *fol.* 538.

There was alſo a Kind of Servants in religious Houſes, called *Serjeants*—*Dedi præterea, & addidi ad eorum ſuſtentationem & advenientium hoſpitum & pauperum &* Serjantorum, *quos conſtitui ad ſerviendum eis* — Charta Gundulfi Roff. Epiſc. in Bibl. Cotton. And in *Cumberland* the Governor of *Gilleſland*, is called *Land Serjeant.* Cam. Anciently all the Juſtices in *Eyre* had certain Officers attending them, called *Serjeants*, (as appears by *Weſtm.* 1. *cap.* 30.) which *Fleta* calls *Virgatores Servientes*, and were in the Nature of our Tipſtaffs.

Serjeants of Peace, —— *Et etiam habere ibidem* (i. Dunham) *ſex ſervientes qui vocantur* Serjeants of Peace, *qui ſervient Cur. Manerii & facient Attach. & executiones omnium Placitorum & querelarum in dicta Curia Placitorum, &c.* Pl. de Quo Warranto apud Ceſtriam. 31 *Ed.* 3. The like Officer they have in the City of *Cheſter.*

Serjeanty, *Serjeantia*, Signifies in Law a Service that cannot be due to any Lord from his Tenant, but to the King only; and this is either Grand or Petit: The firſt is, where one holds Land of the King by Service, which he ought to do in his own Perſon; as to bear the King's Banner, Spear, &c. *Petit Serjeanty* is, where a Man holds Land of the King, to yield yearly ſome ſmall Thing towards his Wars; as a Sword, Dagger, Bow, &c. of which re[illegible] *Bracton, lib.* 2. *cap.* 16, & 37. & *Britton, cap.* [illegible] *num.* 1, 2. *Inter feodalia ſervitia ſummum eſt & illuſtriſſimum, quod nec Patronum aliquem agnoſcit præter Regem*, ſays the Learned *Spelman.* And *Cambden*, Tit. *Suffolk*, ſpeaks of *Baldwin le Pettour qui tenuit terras in Henningſton in Com.* Suffolk *per* ſerjantiam, *pro qua debuit facere die natali Domini ſingulis annis coram Domino Rege Angliæ* Saltum, Sufflum & Pettum, *alias unum* ſaltum, *unum* ſufflatum, & *unum* bombulum. And Sir *Richard Rockeſly* held Lands at *Seton* by *Serjeanty*, to be *Vantrarius Regis*, the King's Fore-Footman when he went into *Gaſcoigne*, *Donec peruſus fuit pari ſolutarum precii* 4 *d.* until he had worn out a Pair of Shoes of Four Pence Price. This Service, being to be performed when the King went to *Gaſcoigne* to make War, is *Knight's Service. Co.* on *Lit. fo.* 69. See the Stat. 12 *Car.* 2. *cap.* 24. whereby all Tenures, &c. are turned into free and common *Socage*; but the Honorary Services of *Grand Serjeanty* are therein excepted. *Johannes Freeman tenet unam Virgatam terræ, per* Serjantiam *menſurandi Foſſata & opera Domini Regis, ad caſtrum Domini Regis.* Lib. niger Herefordiæ. Though Services or Tenures are now turned into Soccage, yet it may be neceſſary to ſhew how they are deſcribed in our old Law Books, which ſee under the Word *Servitium.* See *Skene de verbor. ſignif.* and *Kennet's* Gloſſary.

Sermonium, An Interlude or Play acted by interlocutory Perſons. Before the Modern Improvements of the Stage, theſe ruder Sort of Farces were even a Part of the unreform'd Religion. The Inferior Orders of the Clergy, aſſiſted by Boys and Children, uſed to act over ſome hiſtorical Comedy in the Body of the Church, ſuitable to the Solemnity of ſome high Proceſſion-Day. —— *Anno Dom.* 1483. 7 *die Junii. Decanus Lincoln. cum Confratribus ſuis de proceſſione Sanctæ Annæ in proximo Feſto ejuſdem futuro per cives Linc. fienda, communicantes una decreverunt quod illud ludum ſive* ſermonium *de aſſumptione ſive coronatione beatæ Mariæ erga dictum Feſtum de novo reparatum & præparatum habere voluerunt, ac ludificatum & oſtenſum in proceſſione prædicta prout conſuetum fuerat in navi dictæ Eccleſiæ.* Collectan. Rev. Viri Matth. Hutton, S. T. P. Ex Regiſtris Eccleſiæ Lincoln. MSS.

Serples, A Mantle or upper Coat: From the Latin *Superpellicium*, it ſignifies rich Mantles and Furs, and Robes worn by great Perſons.

Servage, (*Anno* 1 *Rich.* 2. *cap.* 6.) that is, when each Tenant, beſides Payment of a certain Rent, finds one or more Workmen for his Lord's Service. *Inq.* 7 *Ed.* 1. *Nott. Etiam eſt Religio illa ita poſita in* Servagio *per Abbates Ciſtercienſes, quod ſervitium Dei in hac parte impeditur.* Pla. Parl. 33 E. 1. See *Service.* King *John* brought the Crown of *England* in *Servage* to the See of *Rome.* 2 *Inſt.* 274.

Servi, Bond-men, or ſervile Tenants. Our Northern *Servi* had always a much eaſier Condition than the *Roman* Slaves. —— *Servis non in noſtrum morem deſcriptis per familiam Miniſteriis utuntur. Suam quiſque ſedem, ſuos penates regit. Frumenti modum Dominus, aut Pecoris, aut Veſtis, colono injungit, &* Servus *hactenus paret.* Tacitus *de* Moribus *Germanorum.* Which plainly deſcribes the Condition of our *Saxon* and *Norman* Servants, Natives, and Villains; whoſe Servitude did more reſpect their Tenure, than their Perſons. No Author to my Knowledge has fixt the Diſtinction between *Servus* and *Villanus*, though undoubtedly their ſervile State was different, for they are all along in the *Domeſday* Book diſtinguiſhed from each other. So in *Burceſter* there were —— *quinque* Servi, & *viginti octo Villani*, &c. I ſuppoſe the *Servi* were thoſe, whom our Lawyers have ſince called *Pure Villanes*, and *Villanes* in *groſs*, who without any determin'd Tenure of Land, were at the arbitrary Pleaſure of the Lord appointed to ſuch ſervile Works, and received

ved their Wages or Maintenance at Diſcretion of the Lord. The other were of a ſuperior Degree, and were called *Villani*, becauſe they were *Villæ & glebæ adſcripti, i. e.* held ſome Cottage and Lands, for which they were burdened with ſuch ſtated ſervile Offices, and were convey'd as a Pertinence of the Manor or Eſtate to which they belonged. See *Kennet's* Gloſſary. The Name and Quality of their Bondage do often occur in *Domeſday* Regiſter: And their Condition, no doubt, was worſe than that of the *Bordarii*, or *Cotſeti*, who perform'd likewiſe ſome ſervile Offices for their Lord, and yet as to their Perſons and Goods were not obnoxious to Servitude, as the proper *Servi* were. Theſe were of Four Sorts, 1. Such as ſold themſelves for a Livelihood. 2. Debtors that were to be ſold for being incapable to pay their Debts. 3. Captives in War, retain'd and employ'd as perfect Slaves. 4. *Nativi*, ſuch as were born Servants, and by ſuch Deſcent belonged to the ſole Property of the Lord.——— All theſe had their Perſons, their Children, and their Goods, at the Diſpoſal of their Lord, incapable of making any Wills, or giving away any Matter.

Service, *Servitium*, Is that Service which the Tenant, by reaſon of his Fee, oweth unto his Lord. *Hotoman* thus defines it, *Servitium eſt munus obſequii clientelaris*, De verbis Feudal. It is ſometime called *Servage*, as 1 *R. cap.* 6. Our ancient Law Books make many Diviſions of it, as *Bracton*, *lib.* 2. *cap.* 16. And *Britton*, *cap.* 66. into Perſonal and Real, alſo into Military and Baſe, and *Bracton*, *ubi ſupra*, *num.* 7. into intrinſick and extrinſick. *Servitium intrinſecum* is due to the Capital Lord of the Manor: *Forinſecum* is that which is due to the King, and not to the Capital Lord. *Service* is alſo divided into *Frank* and *Baſe*, the one termed *liberum ſervitium*, the other *Villenagium*. It is alſo divided into continual or annual, and caſual or accidental; the former is the Seiſin of Rent, the other Seiſin of Relief. *Co.* 4. *Rep. fol.* 9. *Bevill's* Caſe. See *Copyhold*. See *Socage*. *Thomas Leigh* Eſq; at the Coronation of King *Charles* the Second, brought up to the King's Table a Meſs of Potage called *Dillogrout*, which *Service* had been adjudged him by the Court of *Claims* in Right of the Manor of *Addington* in *Surrey*; whereupon the Lord High Chamberlain preſented him to the King, who accepted the *Service*, and afterwards Knighted him.

Service ſecular, *Anno* 1 *Ed.* 4. *cap.* 1. Is worldly *Service*, contrary to Spiritual and Eccleſiaſtical.

Servientibus Are certain Writs touching Servants and their Maſters, violating the Statutes made againſt their Abuſes, which ſee in *Reg. Orig. f.* 189, 190, 191.

Servitium feodale & prædiale Was not a perſonal Service, but only by reaſon of the Lands which were held in Fee. *Bracton*, *lib.* 2. *cap.* 16. *par.* 7.

Servitium Forinſecum Was a Service which did not belong to the Chief Lord, but to the King: It was called *Forinſecum* and *Foraneum*, becauſe it was done *Foris*, *vel extra* Servitium *quod fit Domino Capitali*. We read ſeveral Grants in the *Monaſtic.* 2 *Tom. p.* 48. of all Liberties with the Appurtenances, *ſalvo forenſi* ſervitio.

Servitium generale, the ſame with *Forinſecum*.

Servitium intrinſecum Is that Service which was due to the Chief Lord alone from his Vaſſals. *Bracton*, *lib.* 2. *cap.* 16. *Fleta*, *lib.* 3. *c.* 14. *par.* 7.

Servitium liberum Was a *Service* to be done by the feudatory Tenants, who were call'd *liberi homines*, and diſtinct from *Vaſſals*; as likewiſe was their *Service*, for they were not bound to any of thoſe baſe *Services*, as to plough the Lord's Land, *&c.* but only to find a Man and Horſe to go with the Lord into the Army, or to attend his Court, *&c.* Sometimes it was called *Servitium liberum armorum*, as in an old Rental of the Manor of *South Malling* in *Suſſex*, mentioned by Mr. *Somner*, in his Treatiſe of *Gavelkind*, *fol.* 56. *viz. Godefridus Wallenſis tenet* 3 *feodos militis in tenementis in Malling & quartam partem unius feodi apud Terriny per* liberum ſervitium armorum *ſuorum. Willielmus de Branſa tenuit apud Adburton unum feodum militis per ſimile* ſervitium.

Servitium ferrandi, The *Service* of ſhoing Horſes. See *Palfrey*.

Servitium Regale, Royal *Service*, or the Rights and Prerogatives that within ſuch a Manor belong to the King, if Lord of it, which were generally reckoned to be theſe Six, 1. Power of Judicature in Matters of Property. 2. Power of Life and Death in Felonies and Murders. 3. A Right to Waifs and Strays. 4. Aſſeſſments. 5. Minting of Money. 6. Aſſize of Bread, Beer, Weights and Meaſures. All theſe entire Privileges were annex'd to ſome Manors in their Grant from the King, and were ſometimes convey'd in the Charters of Donation to religious Houſes. ——— *Eccleſia Sancti Georgii data fuit Fratribus Oſen. & habet ibidem viſum Franciplegii & totum Regale ſervitium.* Paroch. Antiquit. *p.* 60.

Servi Teſtamentales Were thoſe which we now call Covenant Servants: They are mention'd in the Laws of King *Athelſtan*, *c.* 34. *Et ſecundum diſtionem, & per menſuram ſuam convenit, ut* Servi Teſtamentales *operentur ſuper omnem ſchiram cui præeſt dominus.*

Servitiis Acquietandis Is a Writ Judicial, that lies for one diſtrained for *Services* to *A.* who owes and performs to *B.* for the Acquittal of ſuch *Services*. *Reg. of Writs Judic. fol.* 27. *a.* & 36. *b.*

Servitorium, A Cheſt: 'Tis called *Servorium* in *Fleta*, *lib.* 2. *cap.* 73. *par.* 20. *Ciſtas vel arcas vel alia* Servitoria *licite habeat ad uteníilia ſua & recellas ſuas fideliter ſervandas.*

Servitors of Bills Are ſuch Servants or Meſſengers of the *Marſhal* belonging to the King's Bench, as were ſent abroad with *Bills* or Writs to ſummon Men to that Court; they are now more ordinarily called *Tipſtaves*. *Anno* 2 *H.* 4. *c.* 23.

Seſſeur, (*Anno* 25 *Ed.* 3. *c.* 6.) Seems to ſignify the aſſeſſing or rating of Wages.

Seſſion of Parliament, The paſſing any Bills, by giving the *Royal Aſſent* thereto, doth not make a *Seſſion*; but the *Seſſion of Parliament* continues till it be prorogued or diſſolved. See 4 *par. Inſt fol.* 27. *Seſſio Parliamenti* is the Sitting of the *Parliament*.

Seſſions, *Seſſiones*, Is a Sitting of Juſtices in Court upon Commiſſion, as the *Seſſions of Oyer and Terminer*. Pl. Cor. fol. 67. *Quarter-Seſſions*, otherwiſe called the *General Seſſions*, 5 Eliz. 4. or *Open Seſſions*, ibid. Oppoſite whereto are *Eſpecial*,

otherwiſe called *Privy Seſſions*, which are procured upon ſome ſpecial Occaſion, for the more ſpeedy Diſpatch of Juſtice. *Cromp. Juſt. of Peace, f.* 110. What Things be inquirable in *Seſſions*, ſee ibid. f. 109. *Petit Seſſions* or *Statute Seſſions*, are kept by the High Conſtable of every Hundred for the placing of Servants. 5 *El.* 4. See *Statute Seſſions.*

Set Clothes Are mentioned in the Statute made *Anno* 27 *H* 8. *c.* 13. which ſee.

Setetia Æſtuarium, The Mouth of the River *Dee.*

Setwell, *Valeriana*, Is a medicinal Herb; the Nature and divers Kinds whereof you have in *Gerard's Herbal, lib.* 2. *cap.* 424. The Root of this is mentioned among Drugs to be garbled. 1 *Jac.* 19.

Sevantly woven, That is, well and honeſtly *Woven. Anno* 35 *El. c.* 10.

Several Tail, *Tallium ſeparatum*, Is that whereby Land is given and *entailed ſeverally* to Two. For Example, Land is given to Two Men and their Wives, and to the Heirs of their Bodies begotten; the Donees have joint Eſtate for their Two Lives, and yet they have *ſeveral* Inheritance, becauſe the Iſſue of the one ſhall have his Moiety, and the Iſſue of the other the other Moiety.

Several Tenancy, *Tenura ſeparalis*, Is a Plea or Exception taken to a Writ that is laid againſt Two as Joint, which are *ſeveral. Broke*, Tit. *Several Tenancy*, fol. 273.

Severance Is the ſingling or ſevering of Two, or more, that are joined in one Writ. For Example, if Two join in a Writ *de libertate probanda*, and the one afterward be Nonſuit, here *Severance* is permitted; ſo that notwithſtanding the Nonſuit of the one, the other may ſeverally proceed, *F. N. B. fol.* 78. and *Bro.* Tit. *Severance and Summons, fol.* 238. There is alſo *Severance* of the Tenants in an Aſſize, when as One or Two, or more Diſſeiſors, appear upon the Writ, and not the other. *New Book of Entries, fol.* 81. And *Severance* in Attaints. *Ibid. fol.* 95. And *Severance* in Debt, where two, or more, Executors are named Plaintiffs, and the one refuſes to proſecute. *Ibid. fol.* 220. *Severance* of Corn is the cutting and carrying it off from the Ground, and ſometimes the Setting out the Tithe from the reſt of the Corn, is called *Severance.* See *Cro. Rep.* 2. *par. fol.* 225. There is alſo *Severance* in *Quare Impedit.* Co. Rep. 5. *f.* 97.

Seward, One who guards the Sea-Coaſts: 'Tis a *Saxon* Word; for *Sæweard* in *Sax.* ſignifies *Cuſtos Maris.*

Sewer, *Severa* and *ſewera*, *Et foſſa in locis Paluſtribus ducta ad aquas ejiciendas, &c.* A Paſſage or Gutter to carry Water into the Sea, or a River. 6 *H.* 6. *cap.* 5. and 12 *Car.* 2. *cap.* 6. And *Commiſſioners of Sewers* are ſuch as by Authority under the Great Seal, ſee Drains and Ditches well kept and maintained in marſhy and fenny Countries, for the better Conveyance of the Water into the Sea. and preſerving Graſs upon the Land for the feeding of Cattel. See the Statutes 15 *Car.* 2. *cap.* 17. and 17 *Car.* 2. *cap.* 11. touching the Draining the great Level in the Fens called *Bedford Level*, and the Authority of the Governor, Bailiff, *&c.* as *Commiſſioners of Sewers.*

Sexageſima. See *Septuageſima.*

Sextary, *Sextarius*, Was an ancient Meaſure, containing about our Pint and a Half (according to our Latin *Dictionary.*) The Town of *Leiceſter* paid among other Things to the King yearly, Twenty-five Meaſures called *Sextaries of Honey*, as we read in *Domeſday.* And in *Clauſ.* 4 *E.* 3. *m.* 26. We find *Treſdecem* ſextarios *vini.* —— *Et unum* ſextarium *ſalis apud Wainflete*, Mon. Angl. 2. par. fol. 849. b. *Decem Mittas braſii, quatuor* Sextarios *Avenæ ad præbendam.* Idem. 1 par. fol. 136. b. where it ſeems to have been uſed for a much greater Quantity. A *Sextary of Ale* contained xvi *Lagenas.* See *Tolſeſter.*

Sexterp Lands (mentioned in the firſt Part of the *Baronage of England, f.* 324.) are *Lands* given to a Church or religious Houſe, for Maintenance of the *Sexton* or Sacriſtan.

Seyſonis, Due Time or Seaſon. —— *Tenentes terram in campis S. Edmundi debent unam rodam aruræ; debet arari medietas ad* ſeyſonem *yemalem & alia medietas ad* ſeyſonem *æſtivalem.* Cartular. S. Edmundi, *MS. f.* 321.

Shacke Is a Cuſtom in *Norfolk* to have Common for Hogs from the End of Harveſt till Seed-time, in all Mens Grounds without Contradiction. *Co.* 7. *Rep. fol.* 5. *Corbet's* Caſe: And in that Country, *To go at Shacke*, is as much as to go at large.

Shamellæ, *Scamellæ*, Shambles, or Stalls to ſell Meat, *&c. Prior de Tynemuth habet mercatum apud Tinemute & habet ibidem tumberellum*, Shamellas *conductivas ad carnifices & alios, & capit ibidem emendas panis & cerviſiæ.* Placit. Parl. 18 Ed. 1.

Shanke. See *Fur.*

Shares. See *Flotzon.*

Sharpning Corn Is a cuſtomary Gift of *Corn*, which, at every *Chriſtmas*, the Farmers in ſome Parts of *England* give to their Smith, for *ſharpning* their Plough-Irons, Harrow-tines, and ſuch like, and exceeds not half a Buſhel for a Plough-Land.

Shatford. ——*Et ſi le tenant ne veigne, ou ſi il veigne & ſache riens Dire, adonques Judgment ſera que le dit recovera les tenements quitement a touze jours, ſelonque le Judgment appelle* Shatford *per Cuſtome de la Citie.* MS. dez. Cuſtomes de Court de Huſtings en Londres. Tit. *Gavelel.*

Shaw, A Grove of Trees, or a Wood. 1 *Inſt. fol.* 4. *b.*

Shawaldres: This is a Word unknown to Mr. *Somner*, who could not tell what it was, unleſs *Chevaliers*, which may agree with the Signification, but not with the Sound of the Word, for 'tis more like *Soldiers* than *Chevaliers.* 'Tis mentioned in *Knighton, Anno* 1318. *Cumque in partes Scotiæ veniſſet, inculcavit eos Dominus Gilbertus de Middleton miles cum aliis elegantibus* Shawaldris *& eos de omnibus ſuis ſpoliarunt.*

Sheppey. See *Toliatis.*

Sheading, A Riding, Tithing, or Diviſion in the *Iſle of Man*, where the whole Iſland is divided into Six *Sheadings*, in each of which there is a *Coroner* or chief Conſtable appointed by Delivery of a Rod at the *Tinewald* Court, or annual Convention. See Mr. *King's Deſcription of the Iſle of Man*, p. 17.

Sherbet Is a compound Drink, lately brought into *England* from *Turkey* and *Perſia*; and is made of Juice of Lemons, Sugar, and other Ingredients. Another Sort of it is made of Violets, Honey, Juice of Raiſins, *&c. Sherbet* in the *Perſian*

Tongue ſignifies pleaſant Liquor. 15 *Car.* 2. *cap.* 11.

Sherffee, So the Body of the Lordſhip of *Cardiff* in *South-Wales* is called, excluding the Members of it. *Powel's Hiſt. of Wales*, 123.

Shermans Craft Is an Art uſed at *Norwich*; the Artificers whereof do *Sheer* as well *Worſteads*, *Stamins*, and *Fuſtins*, as all other woollen Cloth. It is mentioned *Anno* 19 *H.* 7. *cap.* 17.

Sherringeld. — The King granted to *Richard* Earl of *Arundel*, a certain Rent in *Surrey* and *Suſſex* called *Sherringeld*, to the yearly Value of 14*l.* 19*s.* 1*d.* *Rot. Parl.* 50 *Ed.* 3. I believe miſwritten for *Shiriff-geld*, a Rent formerly paid to or by the Sheriff; for it is there deſired, that the Sheriff in his Account may be diſcharged thereof.

Shewing Is to be quit of Attachments in any Court, and before whomſoever in Plaints *ſhewed*, and not avowed. See *Scavage*.

Shield, from the Sax. *Scyldan*, to cover, or from the Greek σκύλος, a Skin, becauſe anciently *Shields* were made with Skins.

Shilling, (Sax. *Scilling*) among our Engliſh *Saxons*, conſiſted but of Five Pence, *Si in capillis ſit vulnus longitudinis unius Unciæ V. denariis*, i. e. *uno ſolido, componatur.* LL. H. 1. cap. 39. But afterwards it conſiſted of Sixteen, and often of Twenty Pence. This was about the Time of the *Norman* Invaſion; for in *Domeſday*, we read, That *tale manerium reddit* 10, 20 *vel* 30 *libras denariorum, de* 20 *in ora.* But the Penny in thoſe Days was equal in Weight to our Three Pence, ſo that a *Shilling* then was worth Fifteen now; *Illud enim ſcire licet aliam fuiſſe rationem ſolidorum ætate Ælfrici quam noſtra; nam per ea tempora* 30 *denarii faciebant ſex ſolidos, noſtra vero duos tantum*; but in the Reign of *William* the Conqueror, a *Shilling* was of the ſame Value as now.

Shilwite *Eſt emenda pro tranſgreſſione facta in Nativam, eam impregnando.* MS. de Monaſt. Radingiæ penes Tho. Wollaſcot, Arm.

Ship-Money Was an ancient Impoſition that had lain dormant many Years, and was charged upon the Ports, Towns, Cities, Boroughs and Counties of this Realm; which was revived by King *Charles* the Firſt, in 1635, and 1636. and by Stat. 17 *Car.* 1. *cap.* 14. was declared to be contrary to the Laws and Statutes of this Realm, the Petition of Right, Liberty of the Subject, &c.

Shipper Is a *Dutch* Word, ſignifying the Maſter of a *Ship*. *Anno* 1 *Jac. Seſſ.* 1. *cap.* 33. We commonly ſay *Skipper*, and uſe it for any common Seaman.

Shire (*Comitatus*) From the Saxon *Scir*, or *Scyre*, *i. e.* to part or divide) is well known to be a Part or Portion of this Land, called alſo a *County*. King *Alfred* firſt divided this Land into *Shires*, and thoſe again into *Hundreds* and *Tithings*; of which *Shires* there are in *England* Forty, and in *Wales* Twelve. *In privilegiorum Chartis ubi conceditur* quietum eſſe a Shiris, *intelligendum eſt de immunitate, qua quis eximitur a Secta vel clientela Curiis Vicecomitum* (*quas etiam* Shiras *vocant*) *præſtanda vel perficienda.* The Aſſiſes of the *Shire*, or the Aſſembly of the People of a County, was called *Scirgemot* by the *Saxons*. This Diviſion made by King *Alfred* was *in Satrapias*, which we now call *Shires*; *in Centurias*, which we call Hundreds, and *in Decanias*, which we call *Tithings*: The old *Latin* Word was *Scyra*, *Qua Lege olim octo Schiræ, id eſt, Provinciæ indicabantur.* Brompton, *pag.* 956.

Shire-Clerk Is he that keeps the County-Court; his Office is ſo incident to the Sheriff, that the King cannot grant it. *Mitton's* Caſe, 4 *Rep.*

Shireebeweke of Wincheſter and of Eſſex, (the Compaſs or Extent of a Sheriff's Authority) *Anno* 11 *R.* 2. *cap.* 10, & 11. Sherifwikes. *Anno* 13 *Ed.* 1. *c.* 22.

Shire-Man, or **Scyre-Man**, Was anciently Judge of the County, by whom Trials for Land, &c. were determined before the Conqueſt. *Lamb. Peramb. p.* 442.

Shire-mote. See *Shire* and *Turn.*

Shirif or **Sheref**, (*Vicecomes*) *quaſi Shire-reve*; Sax. *Scire-geretha*, i. e. *Pagi vel Comitatus Præpoſitus*, or rather from the Sax. *Scyrian, i. e.* to divide; this Officer being ſo called from the firſt Diviſion of the Kingdom into ſeveral Parts, and he is now the chief Officer under the King in every *Shire*. *Camd. in his Britannia, fol.* 104. thus deſcribes his Office.

SIngulis vero annis, Nobilis aliquis ex incolis præficitur, quem Vicecomitem, quaſi Vicarium Comitis, & noſtra lingua Shyref, i. e. *Comitatus Præpoſitum, vocamus: Qui etiam Comitatus vel Provinciæ Quæſtor rectè dici poteſt. Ejus enim eſt publicas pecunias Provinciæ ſuæ conquirere, multas irrogatas vel pignoribus ablatis colligere, & ærario inferre, Judicibus præſto adeſſe & eorum mandata exequi, duodecim viros cogere, qui in cauſis de facto cognoſcunt, & ad Judices referunt,* (*Judices enim apud nos Juris ſolum, non Facti ſunt Judices*) *condemnatos ad ſupplicium ducere, & in minoribus litibus cognoſcere, in majoribus autem jus dicunt Fuſticiarii, quos Itinerantes ad Aſſiſas vocant, qui quotannis hos Comitatus bis adeunt, ut de Cauſis cognoſcant, & carceratis Sententiam ferant.* Henricus *ſecundus hos Itinerantes inſtituit, vel potius reſtituit. Ille* (*ut inquit* Matth. Pariſ.) *conſilio filii ſui & Epiſcoporum conſtituit Fuſticiarios, per ſex partes Regni, in qualibet parte tres, qui jurarent, quod cuilibet jus ſuum conſervarent illæſum.*

Of the Antiquity and Authority of this Officer, read *Coke's Rep. l.* 4. *Mitton's* Caſe, and *Spelman's Gloſſarium, verb. Vicecomes.* The *Shiriff* was anciently choſen in the County-Court, by the Suffrages of the People, as Knights of Parliament yet are, but is now nominated by the King. See *Forteſcu, cap.* 24. *fol.* 53. Vicecomes *dicitur, quod* Vicem Comitis *ſupplet in placitis illis quibus Comes ex ſuæ dignitatis ratione participat cum Rege.* Niger lib. Scaccarii. The Form of his Oath, ſee in the *Reg. of Writs, f.* 531. *b.*

Shirifalty, (*Anno* 14 *Car.* 2. *cap.* 21.) The Time of one's being *Sheriff*.

Shiriff-tooth, (contracted into *Stuth*) *Per* Shirif-tooth, *Johannes Stanley Ar. clamat habere, de quolibet tenente infra feodum de* Aldford, *unum denarium & quadrantem per annum, exceptis Dominicis terris propriis & terra in feodo & Manerio prædicto Maner. & Hundred. de Macclesfield.* Rot. Plac. in Itin. apud Ceſtriam. 14 *H.* 7. *Per Sherif-tooth*, ſeems a Tenure by the Service or Duty of providing Entertainment for the *Sheriff* at his County-turns or Courts. In *Derbyſhire* the King's Bailiffs anciently took 6 *d.* of every Bovate of Land in Name of *Sheriff-tooth.* Ryley's *Placit. Parliam. fol.* 653.

Shoccare, *schoccare*, To ſhock Corn, or put it into *Shock*. *Inter antiquas conſuetudines Abbatiæ de Sancto Edmundo* —— *in villa de Herdewyck* —— *Operarius metet unam acram frumenti* —— *& quantum metet tantum ligabit & ſhoccabit, ſed non cariabit.* Ex Cartular. S. Edmundi. *MS. fol.* 322.

Shoe. See *Polein.*

Shop, *Shopa*, *Omnibus*, &c. Johannes Horſeret *de* Hereford *Bochour ſalutem*; *Noveritis me præfatum* Johannem *dediſſe*, &c. Rogero Smith *de* Bromeyard, *unam* ſhopam *cum pertin. ſuis in* Bromeyard, *prædict. ſituat. in le Market-place, ibidem* &c. Dat. 27 Feb. 9 E. 4. See *Selda.*

Shorling and Morling Seem to be Words to diſtinguiſh Fells of Sheep; *Shorling* ſignifying the Fells after the Fleeces are *ſhorn* off, and *Morling*, alias *Mortling*, the Fells ſtead off after they be killed, or die alone. 3 *E.* 4. *c.* 1. 4 *E.* 4. *c.* 3. 12 *E.* 4. 5. and 14 *E.* 4. 3. Howbeit in ſome Parts of *England* they underſtand by a *Shorling*, a Sheep whoſe Fleece is *ſhorn* off; and by a *Mortling*, a Sheep that dies. See *Morling.*

Shortford, *Anno* 1335. *Adjudicatum fuit Decano & Capitulo beati Petri Exonienſis quoddam tenementum ſcituatum in vico auſtrali civitatis Exonienſis ſecundum conſuetudinem civitatis prædictæ, & dicitur* Shortford —— *Izacke's Antiq. of Exeter, pag.* 48. The ancient Cuſtom of this City is, when the Chief Lord in Fee cannot be anſwered of the Rent due to him out of his Tenement, and no Diſtreſs can be there levied for the ſame, the Lord muſt come to the Tenement, and there take a Stone, or ſome other dead Thing of the ſaid Tenement, and bring it before the Mayor and Bailiffs; and thus muſt he do Seven Quarter-Days ſucceſſively; and this is called a *Glebe.* And if on the ſaid Seventh Quarter-Day the Lord be not ſatisfied of his Rent and Arrears, then the ſaid Tenement ſhall be adjudged to the ſaid Lord to hold the ſame a Year and a Day; and this is called *Gavelock.* And then forthwith Proclamation ſhall be openly made in the Court, That if any Man pretends any Title to the ſaid Tenement, that he appear within the Year and Day then next following, and ſatisfy the Lord of the ſaid Rent and Arrears; but if no Appearance be made, and the Rent not paid, then ſhall the Lord come again to the ſaid Court, and pray, that according to the ſaid Cuſtom, the ſaid Tenement be adjudged to him in his Demeſne as of Fee, according to the Intention of the Law in ſuch like Caſes, which is commonly called *le ceſſavit per biennium.* And this Cuſtom here is called *Shortford*, and in French, *Foreclose*; and ſo the Lord ſhall have from thenceforth the ſaid Tenement, with the Appurtenances, in Fee to him and his Heirs for ever.

Shot, From the Saxon *Sceat*, ſignifying *Pecuniam aut Vectigal.* See *Lambard's Explication of* Saxon *Words*, verb. *Primitia.* It is ſtill uſed among Alehouſe-Keepers and Vintners; as to pay the *Shot*, is to pay the Money due for the Reckoning.

Sib & Som, *i. e.* pax & concordia. *Spelm. de Concil.* 1. *Tom. f.* 519.

Sica, a Ditch: From the Sax. *Sic*, *lacuna.* 'Tis mentioned in the *Monaſticon*, 2 *Tom. pag.* 130, viz. *Ad locum ubi Cambec cadit in Irthin & ſurſum per Cambec uſque ad* Sicam *quæ deſcendit de nigra quercu.*

Sich, *Sichetum & Sikettus*, A little Current of Water, that uſes to be dry in the Summer. *Inter duos ſikettos*, &c. *Mon. Ang.* 2. *par. f.* 426. Alſo a Water-furrow or Gutter.

Sicha, the ſame with *Sica.*

Sichetus, the ſame with *Sica.*

Siclus Was a Sort of Money current among the old *Engliſh*, of the Value of Two-pence: We read it in *Egbert*, *in Dialogo de Eccleſiaſtica inſtitutione*, *pag.* 98. *viz.* That if any of the Brotherhood did, contrary to the Canons, receive a Monk who left the Cloiſter, *ſine literis pacificis*, &c. he was to pay Thirty *Siclos*, Fifteen to the Biſhop, and the other Fifteen to the Abbot, whoſe Monk he ſo received without the Leave of the Prior.

Sicut alias Is a ſecond Writ ſent out, where the firſt was not executed. *Co. lib.* 4. *fol.* 85. It takes Name from thoſe Words in it. As for Example, *Carolus Secundus Dei Gratia*, &c. *Vicecom. Midd. ſalutem. Præcipimus tibi* (ſicut alias *præcepimus*) *quod non omittas*, &c. and ſo as in the *Capias.* *Lambard* in his *Tract of Proceſſes*, in the End of his *Eirenarcha.*

Sidemen, alias Queſtmen, Be thoſe that are yearly choſen, according to the Cuſtom of every Pariſh, to aſſiſt the Churchwardens in the Inquiry and Preſenting ſuch Offenders to the Ordinary, as are puniſhable in the *Court Chriſtian.* See *Synodales teſtes.*

Sidlingi, *Sidelings.* Meers or Balks betwixt or on the Sides of arable Ridges or Lands. —— *Cum libertate faldæ & paſturæ & fuarii in* Sythlingis, (Sidlingis) *& omnibus locis.* Mon. Angl. *Vol.* 2. *f.* 275.

Sigillum, —— *Notum ſit omnibus Chriſtianis, quod ego Johannes de Greſley non habui poteſtatem* Sigilli mei *per unum annum integrum ultimo præteritum, jam notifico, in bona memoria & ſana mente, quod ſcripta* Sigillata Sigillo meo *contradico & denego in omnibus a tempore prædicto uſque in diem reſtaurationis* Sigilli *prædicti. In cujus rei teſtimonium* Sigillum *Decanatus de Repingdon appoſui. Teſtibus Domino Thoma Stafford milite. Johanne Arden*, &c. Dat. apud Drakelew, 18 *Rich.* 2. See *Seal* and *Tabellion.*

Before the Time of *William the Conqueror*, the *Engliſh* did not ſeal with Wax, but they uſually made a golden Croſs on the Parchment, and ſometimes an Impreſſion on a Piece of Lead, which hanged to the Grant with a ſtring of Silk; and this was held a ſufficient Confirmation of the Grant it ſelf, without Signing, or any Witneſſes. *Ingulphus*, *pag.* 901. tells us, That *Chirographorum confectionem Anglicanam, quæ antea uſque ad Edwardi Regis tempora fidelium præſentium ſubſcriptionibus cum crucibus aureis aliiſque ſacris ſignaculis firma fuerunt*; *Normanni condemnantes Chirographa chartas vocabant & chartarum firmitates cum cerea impreſſione per uniuſcujuſque ſpeciale* ſigillum *ſub inſtillatione trium aut quatuor teſtium aſtantium conficere conſtituebant.*

The Colour of the Wax with which the King's Grants were ſealed, was uſually green, to ſignify *Rem in perpetuo vigore permanſuram*, and the Impreſſion in Lay-Men's Seals was, a Man on Horſeback with a Sword in his Hand, till the Year 1218. and then they began to engrave their Coats of Arms on their Seals; only the Archbiſhops and Biſhops by a Decree of Cardinal *Otto*, who was Legate here in the Year 1237. were to have *Sigillum, puta nomen dignitatis, officii, ſeu collegii, & etiam illorum proprium nomen, qui dignitatis vel*

vel officii perpetui gaudent honore, insculptum notis & characteribus manifestis; sicque sigillum *authenticum habeatur.*

Sigla, a Sail: From the Sax. *Segel, velum.* In the Laws of King *Ethelred*, made at *Wantage*, *cap.* 24. *Ad Billingsgate si venit una navicula, unus obolus thelonii dabitur, si major & habet* siglas, 1 *denarius*, &c.

Signet Is one of the King's Seals, wherewith his private Letters are sealed, and is always in the Custody of the King's Secretaries: And there are Four Clerks of the *Signet-Office* always attending. 2 *Inst. f.* 556.

Significavit Is a Writ *de Excommunicato capiendo*, which issueth out of the *Chancery* upon a Certificate given by the Ordinary, of a Man that stands obstinately excommunicate, by the Space of Forty Days, for the laying him up in Prison without Bail or Mainprize, until he submit himself to the Authority of the Church. And it is so called, because the Word *Significavit* is an emphatical Word in the Writ. There is also another Writ in the *Register*, *f.* 7. directed to the Justices of the Bench, commanding them to stay any Suit depending between such and such, by reason of any Excommunication alledged against the Plaintiff, because the Sentence of the Ordinary that did excommunicate him, is appealed from, and the Appeal yet depends undecided. See *F. N. B. De excommunicato capiendo, fol.* 62, 66. where you may find Writs of this Name in other Cases.

Signum, A Cross prefixt to the Name of a subscribing Witness, as a sign of Assent and Approbation to a Charter, or other Deed, commonly used among the *Saxons*, and some of our first *Normans*, before the common Use of either affixed or appending Seals; when Subscriptions were in this Form ✝ Signum *Roberti Episcopi Linc.* ✝ Signum *Nigelli de Oily*, &c.

Sikettus, the same with *Sica.*

Silchester. See *Vindonum.*

Silentiarius Is one of the Privy Council, for *silentium* formerly signified *Conventus privatus. Radulfus de Diceto*, and *Matt. Paris. anno* 1172. are taken in this Sense, *Feria ante paschа in qua solet papa publice absolvere vel excommunicare, quibusdam Domini papæ* silentiariis *ad aures nunciorum Regis præferentibus, devenit, quod papa eodem die decreverat in Regem Angliæ nomina, &c. interdicti ferre sententiam.*

Silina Is a Pound-weight; 'tis mistaken in *Brompton* for *Salma*, who mentions a silken Tent so large that 200 Soldiers might dine in it: *Et* 60 *millia* Silinas *de frumento & totidem de hordeo.* Hovedon mentions *Solinas de frumento*, which must be *Salmas.*

Silkthrowster and Throwster. *Anno* 14 *Car.* 2. *c.* 15. Is a Trade or Mystery that winds, twists and spins, or *throws Silk*, so fitting it for Use, who are incorporated by the said Act; wherein there is Mention also of *Silkwinders and Doublers*, which are Members of the same Trade. See 20 *Car.* 2. *cap.* 6.

Silva cedua. See *Sylva cæduæ.*

Silures, *South-Wales*, or the Inhabitants of *Brecknock*, *Radnor*, *Monmouth* and *Glamorganshires.*

Simnell, *Siminellus*, From the Latin *similа*, which signifies the finest Part of the Flower; *Panis similageneus*, *Simnel* Bread. It is mentioned *Assisa panis*, (and is still in Use, especially in *Lent*,) *Bread made into a* Simnel *shall weigh Two Shillings less than Wastell-bread.* Stat. 51 H. 3. See *Cocket.* It was sometimes called *Simnellus*, as in the Annals of the Church of *Winchester*, under the Year 1042. *Rex* Edwardus *instituit & carta confirmavit, ut quoties ipse vel aliquis Successorum suorum Regum* Angliæ *diadema portaret* Wintoniæ *vel* Wigorniæ *vel* Westmonasterii, *Præcentor loci recipiet de fisco ipsa die dimidiam marcam, & Conventus centum* Simnellos *& unum modium vini.* But indeed the true Reading is *Siminellos.* The English *Simnel* was the purest white Bread, as in the Book of *Battel Abbey. Panem regiæ mensæ aptum, qui* Simenel *vulgo vocatur.*

Simony, *Simonia*, *Venditio rei sacræ*, so called from *Simon Magus:* It was agreed by all the Justices, *Trin.* 8 *Jac.* That if the Patron present any Person to a Benefice with Cure, for Money, that such Presentation, &c. is void, though the Presentee were not privy to it; and the Statute gives the Presentation to the King. *Co.* 12 *Rep. fol.* 74. *Simony* may be by Compact between Strangers, without the Privity of the Incumbent or Patron. *Cro.* 1 *par. fol.* 331. *Bawderoke's* Case. *Hob. Rep. fol.* 165. *Noy's Rep. f.* 22. *Pascall's* Case. and 3 *Inst. fol.* 153. Some Authors mention *Simoniacum per munus triplex*, and tell us of a Person who took off the Cap of *Grosulan*, an Archbishop of *Milan*, and shaking it, told the People. *Iste Grosulanus qui est sub ista cappa* (& *non de alio dico*) *est* Simoniacus, &c. *per munus a manu, i. e.* by Bribery, *per munus a lingua, i. e.* by Favour and Flattery, *per munus ab obsequio, i. e.* by a sordid subjecting himself to the Patron.

Simpler. ——— *Charta simplex*, A Deed Poll, or single Deed—— *Richardus Mayben de Sutton per* Chartam simplicem *huic indenturæ indentatam, dedit*, &c. Dat. 22 Edw. 3. *Justiciarius* simplex, was anciently used for any Judge that was not *Chief* in either Court. There is a Writ registred, beginning thus, I *John Wood, a* simple Judge *of the Court of Common Pleas*, &c.

Simpler Beneficium, A minor Dignity in a Cathedral or Collegiate Church, a Sine-Cure, a Pension out of a Parochial Church, or any other Ecclesiastical Benefice opposed to a Cure of Souls, and which therefore was consistent with any Parochial Cure, without coming under the Name or Censure of Pluralities.

Simpler Justiciarius, This Stile was anciently used for any puisne Judge, that was not Chief in any Court. There is a Writ registred beginning thus—— *I* John Wood, *a* simple Judge *of the Common Pleas*, &c.

Simula, A Manchet, a white Loaf.— Among the Customs of the Abbey of *Glastonbury.* ——— *In diebus solennibus cum Fratres fuerunt in cappis, medonem habuerunt in justis, & simulas super mensam, & vinum ad caritatem, & tria generalia.*—— Cartular. Abbat. Glaston. MS. f. 10.

Sine assensu capitali Is a Writ that lies where a Dean, Bishop, Prebendary, Abbot, Prior, or Master of an Hospital, aliens the Land holden in the Right of his House, *without the Consent of the Chapter, Convent and Fraternity*; In which Case his Successor shall have this Writ. *F. N. B. fol.* 195.

Sine die, Without Day: When Judgment is given against the Plaintiff, he is said to be *in misericordia pro falso clamore suo:* But when for the Defendant, then it is said, *Eat inde* sine die.

Siniſtravit, To walk on the Left Hand: *Dextravit Archiepiſcopum Londinenſis Epiſcopus*, Siniſtravit *Wintonienſis*, & *ſic in ſede ſua ſolemniter collocatus eſt.* Rad. de Diceto, Anno 1193.

Si non omnes Is a Writ of Aſſociation, whereby, if all in Commiſſion cannot meet at the Day aſſigned, it is allowed, that Two or more of them, may finiſh the Buſineſs. See *Aſſociation*, and *F. N. B. fol.* 185. & 111. and *Reg. Orig. fol.* 202, 206, &c.

Sinoſitas, For *Famoſitas* in *Brompton*.

Sireſſocna Is what we now call a Hundred. *Leg. H.* 1. *cap.* 6. *Comitatus in Anglia in Centurias* & Sipeſſocna *diſtinguuntur.*

Si Recognoſcant Is a Writ that lies for a Creditor againſt his Debtor, for Money numbred, that hath, before the Sheriff in the County-Court, acknowledged himſelf to owe his Creditor ſuch a Sum received of him *in pecuniis numeratis.* The Form of which Writ is this——— *Rex Vicecomiti ſalutem Præc. tibi quod ſi* A. recognoſcat *ſe debere* R. 40. *ſolid. ſine ulteriori dilatione, tunc ipſum diſtringas ad prædictum debitum eidem* R. *ſine dilatione reddendum. Teſte*, &c. Old Nat. Brev. fol. 68.

Site or Scite, *Situs*, The Standing of any Place, the Situation of a Capital Houſe or Meſſuage, a Territory, or Part of a Country, as the *Site* of the late diſſolved Monaſtery of, &c. *i.* the Place where it ſtood: The Word is mentioned in the Statute 32 *H.* 8. *cap.* 20. and 22 *Car.* 2. *cap.* 11. and is there written *Scite*, —— *Dedi* ſitum *loci in quo domus ſua* ſita *eſt.* Mon. Ang. 2 par. fol. 278.

Sithcundman. Such a Gentleman as had the Office to lead the Men of a Town or Pariſh. *E claſſe nobilium erat*, ſays *Somner. Vir militaris.* Spelm. In Sax. *Sithcundman* ſignifies *præpoſitus paganus*, or a Man who had ſo much Land that he might be capable of Knights Service. *Si homo* Sithecundus *terrarius ſuperſedeat expeditionem, emendet* 120 *ſol.* & *perdat terram ſuam.* Leg. Inæ, cap. 56. Even the learned *Spelman* miſtakes the Derivation and proper Meaning of this Word, which is truly from Sax. *ſithe, geſithe*, a Diviſion of a Shire or County, a Riding, Lath, Rape, or Hundred. For *Dugdale* in his *Antiquities of Warwickſhire*, does obſerve that the Hundreds of *Knightlow*, *Kineton*, and *Hemlingford*, in 16 *Hen.* 2. were called *Sitheſoca de Enuchlelawa*, *Sitheſoca de Chinton*, *Sitheſoca de Hunliford.* So as *Sithſo undman*, *Sithcundman*, *Geſithcundman*, was only the Chief Officer within ſuch a Diviſion, the High Conſtable of the Hundred.

Sitheloca, (*Sax.*) The Franchiſe or Liberty of a certain Company of Men; a Hundred. *Rot. P.* 16 *Hen.* 2. ſometimes written *Sipeſoca. Curia libera legalium hominum.*

Sitomagus, *Thetford* in *Norfolk.*

Sirhindi Were Servants of the ſame Nature with Rod-Knights, *viz.* bound to attend their Lord where-ever he went, yet he was accounted among the Engliſh *Saxons*, as *liber homo*, becauſe he had Lands in Fee, ſubject only to ſuch Tenure, *Si habeat* 5 *hidas eſt* Sixhinde. Leg. Inæ, cap. 26. And in the Laws of *H.* 1. *cap.* 76. *Servi alii caſu, alii genitura: Liberi alii Thygkindi, alii* Sixhindi, *alii Thyelfindi.* See *Hindeni.*

Sizel, In the Fabrication of our milled Money, the Gold or Silver is caſt out of the melting Pot into long flat Bars, which Bars are drawn thro' a Mill, (wrought by a Horſe) to produce the juſt Thickneſs of Guineas, Crowns, &c. Then with forcible Engines, called *Cutters*, which anſwer exactly to the reſpective Sizes or Dimenſions of the Money to be made, the round Pieces are cut out from the flat Bar ſhaped as aforeſaid; after which, the Reſidue is called *Sizel*, and is melted down again. *Vide* Lowndes's *Eſſay upon Coin, pag.* 96.

Skarcalla or Scarkella.——— It was eſpecially given in Charge by the Juſtices in Eyre, that all Juries ſhould enquire *de his qui piſcantur cum Kiddellis* & Skarkallis. *Coke's* 2 *Part, Inſt. fol.* 38. But he does not declare the Meaning of it.

Skaw Is a Word mentioned in the Statute made 4 *E.* 4. *cap.* 1.

Skeletta, A little Bell.——— *Imponentes novam navim tecto Eccleſiæ pro vetuſta quæ combuſta fuerat*, & *pro veteri turri Eccleſiæ humile campanile*, & *duas* Skelettas, *quas* Fergus *Ærarius de Sancto Botolfo nobis nuper contulerat, imponentes.* Hiſt. Ingulfi, pag. 101. Hence our *Skillets*, commonly made of Bell-metal. Old Teuton. *Schel*, Latin *Skella*, a Bell.

Skella. See *Schilla.*

Skerda Is that which we now call a Scar or Wound: *Si oſſa extrahuntur a Capite* & Skerda *magna levetur*, &c. Bract. lib. 3. cap. 24.

Skyvinage (*Anno* 27 *H.* 6. *cap.* 2.) Signifies the Precincts of *Calais.*

Slade, Sax. *Slad.* A long flat Piece or Slip of Ground.—— *Pratum vocatum le* Slade, from the long and narrow Form of it. *Paroch. Antiq. pag.* 465. *Slade-furlong*, ib. 537. See *Kennet's Gloſſary* in the Word *Slade.*

Slippa, A Stirrup, *Stapes. Manerium de Hotun. com. Camb. tenetur per ſervitium tenendi* ſlippam *ſellæ Domini Regis dum equum ſuum in caſtro ſuo Carleoli ſcanderit.*—— Cart. 5 H. 7.

Slough-ſilver, (*Pat.* 43 *Eliz. pag.* 11.) A certain Rent paid to the Caſtle of *Wigmore*, and is in Lieu of certain Days Work in Harveſt, heretofore reſerved to the Lord from his Tenants.

Sluſagium. See *Excluſagium.*

Sluſt, *Excluſa*, Is a Frame to keep or let Water out of a Ground.

Smaka, A ſmall light Veſſel, a Smack.—— *Naves quas bargas vocant*, & *galeæ propter victualia tranſmiſſæ vi turbinum reſolutæ perierunt*——— *omnes etiam* ſmakæ *Regis* & *aliorum confractæ ſunt, ex quarum materiis fecit Rex ſuas longas naves conficere.*— Gaufredi Vineſauf. Rich. Regis Iter. Hieroſ. lib. 5. cap. 4. where by a groſs Error, *Snakæ* is put for *Smakæ.*

Smalt Is that of which Painters make blue Colour. *Anno* 21 *Jac. cap.* 3. and *Pat.* 16 *Feb.* 16 *Jac.* in Italian *Smalto.*

Smoak farthings, The Pentecoſtals or cuſtomary Oblations offered by the diſperſed Inhabitants within a Dioceſe, when they made their Proceſſions to the Mother Cathedral Church, came by Degrees into a ſtanding annual Rent, called *Smoak-farthings.* For in the Year 1444. *William Alnewyke*, Biſhop of *Lincoln*, iſſued out his Commiſſion,—— *Ad levandum le* Smoak-farthings *alias dict.* Lincoln-farthings *a noſtris Archidiaconatus noſtri Leyceſtriæ ſubditis ad utilitatem noſtræ Matricis Eccleſiæ Cath. Lincoln. ſponſæ noſtræ convertend.* ——— *dictæ* Smoak-farthings *conferuntur ad conſtructionem Campanilis Eccleſiæ præbendales S. Margaretæ Leiceſtr.* Reg. Will. Alnewyk Epiſc. Linc.

Linc. MS. And about the Year 1470. *John* Bishop of *Lincoln* sent his Injunctions to *John Gilbert*, Doctor of Decrees, his Commissary-General within the Archdeaconry of *Oxford*, and *George Ward* L. L. B. to move the Curates or Parochial Clergy, to advise their People of their antient and laudable Custom of Processions, and Oblations to the Mother Cathedral Church at *Whitsontide*. ——— *Nec non ad exigendum, petendum, levandum & colligendum & recipiendum omnes & singulas oblationes hujusmodi, quadrantes Pentecostales alias* Smock-farthings *vulgariter nuncupatas.*

Smoak-silver, *Tenementum Newstede cum pertin. &c. in villa de* Staplehirst *in Com. Cant. tenetur de Manerio de* Eastgreenwich *per fidelitatem tantum in libero socagio.* Per. Pat. Dat. 3 Feb. 4 Edw. 6. *And by the Payment of* Smoak-silver *to the Sheriff yearly the Sum of Six Pence.* Notes for Lord *Wootton's* Office, 1628. There is *Smoak-silver* and *Smoak penny* paid to the Ministers of divers Parishes, and to be paid in Lieu of Tithe-wood; or it may, as in many Places at this Day, be a continued Payment of the *Romescot* or *Peter-pence*. See *Climney-money*.

Smodde. A smooth Roll or Bottom of Silk or Thread, from the Saxon *Snod*, a Fillet or Hair-lace with which Women smooth up their Hair, which in the North Part of *England* is now called a *Snude*, and in *Scotland* a *Snod*. ——— *Et in octo* Snoden *de Packthread emptis ibidem pro quodam reti faciendo pro cuniculis capiendis* ——— Paroch. Antiq. pag. 574.

Snottering silver. There was a Custom in the Village of *Wylegh*, that all the servile Tenants should pay for their Tenement a Duty called *Snottering-silver*, *i. e.* for each Tenement 1 *den. ob.* to the Abbot of *Colchester*. Placit. 18 Edw. 1.

Soc, *Soca*, According to *Minsheu*, is a Word signifying a Power or Liberty of Jurisdiction; whence our Law-*Latin* Word *Soca*, for a Seigniory enfranchised by the King, with Liberty of holding a Court of his *Sockmen*, or *Socagers*, i. his Tenants, whose Tenure is hence called *Socage*. *Skene de verbor. Interp.* says, *Soc* is called *Secta de hominibus suis, in curia secundum consuetudinem Regni*. See more there: And *Bracton*, *lib.* 3. *tract.* 2. *cap.* 8. mentions divers Liberties, as *Soc* and *Sac*, *Toll* and *Thean*, *Infangthef* & *Utfangthef*, & *isti qui habent talem libertatem, possunt judicare in curia sua eum qui inventus fuerit infra libertatem suam, seisitus de aliquo latrocinio manifesto.* The same Interpretation *Lambard* gives it in his Translation of the *Sax.* Laws: For among the rest in those of King *Ina*, (*Leg.* 24.) be *Cyric socnum*, rendered, *De immunitate fani:* And in the Laws of *Henry* the First it is said, *Nullus* socnam *habet impune peccandi*, that is, none hath Liberty of sinning without Punishment. And in the same Sense it is used in *Domesday*, for in *Essex*, under the Title of *Terra Rogeri Bigoti*, it is thus recorded, *Westunam tenet Hugo de Hosdene quod tenuerunt* iv. *liberi homines* T. R. E. *qui fuerant de* soco *Algari*, *&c.* See *Soc*, *Soke*.

Socage or **Sorcage**, *Socagium*, May be derived from the French *Soc*, that is, *Vomer*, a Coulter or Plowshare, and is a Tenure of Lands by, or for certain inferior Services of Husbandry to be performed to the Lord of the Fee. See *Institutes of the Common Law*, 31. *Bracton*, *lib.* 2. *cap.* 35. *num.* 1. describes it thus, *Dici poterit* socagium *a* socco, & *inde tenentes qui tenent in* soccagio socmanni *dici poterunt, eo quod deputati sunt, ut videtur, tantummodo ad culturam, & quorum custodia & maritagia ad propinquiores parentes jure sanguinis pertinebit. Et si aliquando inde facto capiatur homagium, quod plures contingit, non tamen habebit propter hoc Dominus capitalis custodiam & maritag. Quia non semper sequitur homagium, licet aliquando sequatur.* Skene de verbor. signif. says, *Socage*, is a Tenure of Lands, when a Man is infeoffed freely, without any Service, Ward, Relief or Marriage, and pays to his Lord such Duty as is called *Petit Serjeanty*, &c. There is *free socage*, and *base socage*, otherwise called *Villenage*.—And according to *Bracton*, Socagium *liberum est, ubi fit servitium in denariis Dominis capitalibus, & nihil inde omnino datur ad factum & servitium Regis.* This *free socage* is also called *common socage*. Anno 37 H. 8. cap. 26. Other Divisions there are in our Books, *viz. Bracton*, *lib.* 2. *cap.* 8. *num.* 3. *Old Nat. Brev. fol.* 94. and others. But by the Statute 12 *Car.* 2. *cap.* 24. all Tenures shall be adjudged and taken to be turned into *free* and *common socage*. See *Kennet's Glossary* in *Socage*. This was a Tenure of so large an Extent, that *Littleton* tells us, all the Lands in *England*, which were not held in Knight's Service, were held in *Socage*. So that it seems the Land was divided between these two Tenures, and as they were of different Natures, so the Descent of these Lands was in a different Manner; for the Lands held in Knights Service descended to the eldest Son; but those held in *Villano Socagio*, equally among all the Sons; yet if there was but one Messuage, the eldest Son was to have it, so as the rest had the Value of that Messuage to be divided between them. *Bracton*, *lib.* 2. *cap.* 35, 36.

Socmans, alias **Sokemans**, *Socmanni*, Are such Tenants as hold their Lands and Tenements by *Socage* Tenure, of which there are several Kinds, *viz. Sokemans* of Frank-tenure. *Kitchin*, *fol.* 81. *Sokemans* of Base-tenure. *Ibid.* and *Sokemans* of antient Demesne, which last seem most properly to be called *Sockmans*. F. N. B, *fol.* 14. *Britton*, *cap.* 66. *num.* 2. *Progenitores Simonis Bakeley omnia sua in Houcton per* liberum Sokagium *tunc tenebant, & quieti erant de Sectis Curiarum, Consuetudinibus, exactionibus & demandis.* Lib. ——— S. Albani Tit. Houcton, cap. 1. Liberi Sokemanni *possunt dare aut vendere, sed ad voluntatem Domini; antenatus succedit in totum: averium masculum non vendere; filium non maritare, nisi dant Domino* 3 s. 4 d. *filium omnino facere Clericum.* Ex libro irrotulament. Ecclesiæ Christi Cantuar. fol. 211. The Word *Sokeman* is found in the Statute of Wards and Relief. 28 *Edw.* 1. See *Bracton*, *lib.* 2. *cap.* 35. *n.* 1. *Dugdale's Warwickshire*, *fol.* 170.

Socmen, The Ceorls or Husbandmen among our *Saxon* Ancestors were of Two Sorts; one that hired the Lord's Outland or tenementary Land like our Farmers; the other that tilled and manured his Inland or Demeans (yielding *operam* not *censum*, Work, not Rent) and were thereupon called his *Socmen*, or Plough-men. *Spelman* of *Feuds*, *cap.* 7. But after the Conquest, the proper *Sockmanni*, or *Sokemanni*, often mentioned in *Domesday*, were those Tenants who held by no servile Tenure, but commonly paid their Rent as a *Soke* or Sign of Freedom to the Lord, tho' they were sometimes obliged to customary Duties for the Service and Honour of their Lord.

Socna, In Saxon *Socnè*, a Privilege, or Liberty, and Franchise, ——— *Volo ut ipsi sint eorum* sacæ

ſaeæ & ſocnæ; Theolonii *etiam* & Teami (*privilegiorum, ſcilicet, & jurium ſic appellatorum*) *digni infra tempus & extra tempus, &c.* Charta Canuti Regis in Hiſt. Eccleſ. Cath. S. Pauli, fol. 189. See *Soc.*

Socome Signifies a Cuſtom of grinding at the Lord's Mill; And there is *Bond-Socome*, where the Tenants are bound to it, and *Love-Socome*, where they do it freely out of *Love* to their Lord.

Soinus, for *Eſſoins.*

Soka, *Soc, Sok, Soke.* The Words generally ſignify Liberty or Privilege of Tenants excuſed from cuſtomary Burdens and Impoſitions. Sometimes *Soka* or *Soke*, was the Territory or Precinct in which the Chief Lord did exereiſe his *Sac, Sake,* or *Saka;* his Liberty of keeping Court, or holding Trials within his own *Soke* or Juriſdiction. Sometimes it ſignified a Payment or Rent to the Lord for uſing his Land with ſuch Liberty and Privilege, as made the Tenant a *Socman* or Freeholder, upon no other Conditions than a Quit-rent. As often in *Domeſday*———. 1. *Sochman reddens* Soeham *in manerio*——— *i. e.* One *Sochman* or Free Tenant paying only Money or Rent.

Soke, *Anno* 32 H. 8. *cap.* 15. & *cap.* 28. *Significat libertatem Curiæ tenentium quam* ſoeam *appellamus.* Fleta, lib. 1. cap. 47. ſect. *Soke.* Soke *hoc eſt, quod Prior habet ſectam de Homagiis ſuis ad Curiam ſuam, ſecundum communem conſuetudinem regni Angliæ. Per* Soke *Will. Stanley in manerio ſuo de Knottsford clamat cognitionem placitorum debiti, tranſgreſſionis, conventionis & detentionis infra ſummam* 40 *ſol. de aliis compactibus quibuſcunque ſine brevi.* Pl. Itin. apud Ceſtr. 14 H. 7. Soke, *id eſt, aver fraunch Court de ſes homes* MS. See *Soc.*

Sokemanrie, *Sokemanria*, Free Tenure by Socage.——— *Dicunt quod tenuerunt prædicta de prædicto Rege per* Sokemanriam *ſine carta ſivo aliquo ſervitio eidem Domino Regi in guerra ſua inde faciendo.* ——Conſuetud. domus de Farendon, MS. fol. 46.

Soken, *Soca.* See *Soc* and *Hamſoken.*

Soke-reeve Seems to be the Lord's Rent-gatherer in the *Soke* or Soken. *Fleta, lib. cap.* 55.

Solace, (*Anno* 43 *Eliz. cap.* 10.) *Puta mangonium aliquod ex colore aliquo adulterino pannis addito, ut pluris veneant.* Dr. *Skinner.*

Solarium, An upper Room, Chamber, or Garret, which in ſome Parts of *England* is called a *Sollar. Iſtud cellarium & iſtud* Solarium *ſita ſunt intra domum meam.* Paroch. Antiq. pag. 325. *Pro duobus cellariis & duobus* ſolariis *eiſdem ad terminum vitæ traditis & conceſſis,* ibid. pag. 448. *Unum* Solarium *vocat.* a Loft. *Chart. Antiq. ſine dat.*

Solda. *Pateat*——— *quod nos Johannes Romayne ſenior de Leominſtr. & Johannes Romayne junior de eadem remiſimus*——— *Johanni Meole vicario Eccleſiæ de Wygemore, Ricardo Boterel Conſtabular. Caſtri de Wygemore, & Fouke Sprengehoſe totum jus noſtrum & clamium*——— *in una* Solda *cum pertinentiis in Leominſtr. ſcituata in alto vico inter* Soldam *quondam Ricardi Spicer &* Soldam *quæ fuit Philippi Cullinge, &c.* Dat. 2 Octobris, 19 Rich. 2. It ſeems to be the ſame with *Selda*, a Shop or Shed.

Solet & debet. See *Debet & Solet.*

Sole-tenant, *Solus tenens*, Is he or ſhe that holds only in his or her own Right, without any other joined: For Example, if a Man and Wife hold Land for their Lives, the Remainder to their Son; here the Man dying, the Lord ſhall not have Heriot, becauſe he dieth not ſole Tenant. See *Kitchin, fol.* 134.

Sollicitor, *Sollicitator*, Is a Man employed to take Care of, and follow Suits depending in Courts of Law or Equity; formerly allowed only to Nobility, whoſe menial Servants they were, but now, too frequently, uſed by others, to the Damage of the People, and the Increaſe of Champerty and Maintenance.

Solidata terræ, As much Land as is yearly worth one Shilling: Terram *de Riſeburga quæ ſolebat reddere* 30 *ſolidos.* Mon. 2 Tom. pag. 98. See *Fardingdeal of Land. Solidata* alſo ſignifies the Pay or Stipend of a Soldier, *Et qui* terram *non habent & arma habere poſſunt, illuc veniant ad capiendum* ſolidatas *noſtras.* Breve Regis Johannis Vicecomitibus Angliæ, Anno 1213.

Solidatum In the *Neuter Gender* ſignifies that abſolute Right or Propriety which a Man hath in any Thing, *viz. Urbem Cantuariam quam Lanfrancus Archiepiſcopus habuerat ex beneficio, iſti Auſelmo conceſſit ex ſolido.* Malmsb. Lib. 1.

Solinus terræ.——— *In communi* terra *Sancti Martini ſunt* 400 *acræ & dim. quæ faciunt duos* Solinos & *dim.* Domeſday. In which Book, this Word is only uſed in *Kent*, and no other County. *Septem* Solini *terræ ſunt* 17 *Carucatæ.* 1 Inſt. fol. 15. According to this Computation, *ſolinus terræ* is about 160 Acres, and 7 *ſolini* are about 1120 Acres, which is leſs than 17 *Carucatæ*, for at the loweſt *Carucatæ terræ* is 100 Acres. But my Lord *Coke* was of Opinion, that it did conſiſt of no certain Number of Acres. This Word *Solinus* was probably from the Sax. *Sulk*, a Plough, but what Quantity of Land this *Solin, Sulling*, or *Swoling* did contain, is not ſo eaſily determined. I believe it was commonly the ſame with a Plough-Land. So that in *Domeſday* Book, *Se defendit pro uno* ſolino, is, it is taxed for one Carucate or Plough-Land.

Soller or Solar, *Solarium*, A Chamber or upper Room; *Dedi*——— *unam ſhoppam cum* ſolario *ſuper ædificato.* Ex Vet. Carta.

Solvendo eſſe Is a Term of Art, ſignifying that a Man hath wherewith to pay, or as we ſay, is a Perſon *ſolvent.*

Solutione feodi militis Parliamenti, and Solutione feodi Burgenſ. Parliamenti, Are Writs whereby Knights of the Shire and Burgeſſes may recover their Allowance, if it be denied. *Anno* 35 H. 8. *cap.* 11.

Soma, A Body. *Mon.* 3 *Tom. pag.* 117.

Sommons. See *Summons.*

Sona for *Stola*, a Prieſt's Garment. *Mon.* 1 *Tom. pag.* 6.

Sontage Was according to *Stow, pag.* 284. a Tax of Forty Shillings laid upon every Knights Fee: In ſome Places the Word is uſed for coarſe Cloth, as bagging for Hops, or the like. See *Syſtema Agriculturæ.*

Sorbiodunum, *Old Sarum.*

Sorcery, *Sortilegium*, Divination by Lots, which is Felony by 1 *Jac. cap.* 12. Sortilegus, *quia utitur ſortibus incantationibus Damonis.* 3 Inſt. fol. 44. Sorcery & *devinal ſont Members de Hereſy.* Mirror, cap. 1. ſect. 5. Sortilegi *ſunt divinatores, vel iſti qui ſub nomine fictæ Religionis per quaſdam, quas ſanctorum vel Apoſtolorum vocant, ſortes vel divinationes, ſententiam vel ſcientiam profitentur; ſive divinatione, aut quarumcunq; ſcripturarum inſpectione futura promittunt.* Vocab. utriuſq; juris. Excepted out of the Act of general Pardon, 12 *Car.* 2. *cap.* 11.

Sorts,

Sorş. In Sums of Money lent upon Uſury, the *Principal* was called *Sors*, as diſtinguiſhed from the *Intereſt*. *Socii Mercatores Senenſes Epiſcopum Elyenſem trahunt in cauſam coram Magiſtro Alexandro de Ferentyn Judice a Domino Papa delegato ſuper trecentas marcas de ſorte, & centum marcas de intereſſe. Anno* 40 *H.* 3. *Prynn. Collect. Tom.* 2. *pag.* 161.

Sorting Kerſies, 3 *Jac. cap.* 16. A Sort of Cloth ſo called.

Sorus Accipiter, A Sor or Soar-hawk. King *John* granted to *Robert de Hoſe*, Land in *Berton* of the Honour of *Nottingham*, to be held——— *Per ſervitium Accipitris* ſori *nobis reddendi ſingulis annis*——— Cartular S. Edmundi, MS. f. 113.

Sothale, Miſtaken without Doubt for *Scotale*, yet in *Bracton*, *lib.* 3. *tract.* 1. *cap.* 1. it is written *Sothaile*; and he ſays, it is ſo called *Fictale*, and was a Kind of Entertainment made by Bailiffs to thoſe of their Hundred for Gain, which the ſame *Bracton* ſays was taken away in the Reign of *Henry* the Third. See *Scotale*.

Sothtaga Is an old Word, which ſignifies Hiſtory: From the Sax. *Soth, verum*, and *Saga, Teſtimonium*; for all Hiſtories ſhould be true, or true Sayings; from hence we derive our *Engliſh* Word *Southſayer*.

Sovereign, A Piece of Gold current at Twenty-two Shillings Six-pence in 1 *H.* 8. when by Indenture of the Mint, a Pound-weight of Gold of the old Standard was to be coined into Twenty-four *Sovereigns*. In 34 *Hen.* 8. they coined *Sovereigns* at Twenty Shillings a-Piece, and half *Sovereigns* at Ten Shillings. In 4 *Edw.* 6. *Sovereigns* of Gold at Twenty-four Shillings a-Piece. In 6 *Edw.* 6. *Sovereigns* at Thirty Shillings. So in 2 *Eliz.*

Southampton. See *Clauſentum*, and *Triſantonis Portus*.

South Viſcount, *Sub-Vicecomes*, Is the Under-Sheriff. *Cromp. Jur. fol.* 5.

Sowlegrove, An old Name of the Month *February*, ſo called by the Inhabitants of *South Wilts*, who have this Proverb, *Soulegrove ſil lew*, i. e. *February* is ſeldom warm.

Sowne Is a Word corrupted from the French *Souvenue*, *i.* remembred; for the Stat. 4 *Hen.* 5. *cap.* 7. in the Original *French* hath *Des eſtreats nient ſouvenu*, which by turning the Two *uv* into *w*, was firſt made *Sowen*, afterward *Sown*; and ſuch Eſtreats and Caſualties as are not to be remembred, run not in Demand, that is, are not leviable: It is a Word of Art uſed in the Exchequer, where *Eſtreats that ſowne not*, are ſuch as the Sheriff by his Induſtry cannot get, and *Eſtreats that ſowne*, are ſuch as he may gather. 4 *Par. Inſt. fol.* 107.

Spadarius, For *Spatharius*, a Sword-bearer.

Spatæ Placitum, Pleas of the Sword, or a Court Martial for the ſpeedy Execution of Juſtice on Military Delinquents.——— *Item diximus per ſacramentum noſtrum quod vidimus Henricum & Richardum quondam Reges Angliæ tenentes* Placitum Spatæ *in civitate & banleviâ Lexovii.*——— Cart. A. D. 1105. Brady Append. to Hiſt. of *England*, p. 45.

Spatularia Is numbred among the holy Garments in the *Monaſt.* 3 *Tom. pag.* 331. *viz. Cum Alba, amicta, ſtola, Fanone*, Spatulariis & *maniculariis, &c.*

Speaker of the Parliament Is an Officer in that High Court, who is as it were, the common Mouth of the reſt: And as that honourable Aſſembly conſiſts of Two Houſes, ſo there are Two *Speakers*, the one termed the *Lord Speaker of the Houſe of Peers*, and is moſt commonly the *Lord Chancellor*, or *Lord Keeper of the Great Seal of* England. The other (being a Member of the Houſe of Commons) is called *The Speaker of the Houſe of Commons*; both whoſe Duties you have particularly deſcribed in a Book entitled, *The Order and Uſage of keeping the Parliament.* See *Parliament.*

Specialitas, A Specialty is taken for a Bond, Bill, or ſuch like Inſtrument. But it hath heretofore been taken for particular Acquaintance, as appears *Inter Pl. coram Rege apud Ebor. Mich.* 1 *E.* 3. *Rot.* 123. *Præſentatum fuit per Juratores*———*quod quidam* Johannes de Pratis *habuit quandam uxorem amicabilem, de cujus* ſpecialitate Willielmus *filius* Henrici Moleudinarii *& ſimiliter quidam alii malefactores fuerunt; ita quod prædicti malefactores venerunt ad lectum ipſius* Johannis *ubi jacebat, & ipſum traxerunt ab eadem, & ipſum abinde duxerunt & tenuerunt dum prædictus* Willielmus *concubuit cum ea.*

Special Matter in Evidence. See *General Iſſue*, and *Bro. Tit. General Iſſue and Special Evidence.*

Speleum, The Cell of a Monk, *viz. Conbuſta illic Eccleſia B. Mariæ, reclusa una Uſtulata, quæ* ſpeleum *ſuum nec in tali neceſſitate deſerendum putavit.* Malmsb. Lib. 3. pag 112.

Spigurnel. *Galfridus Spigurnel* was by King *Henry* the Third appointed to be Sealer of his Writs, and perhaps the firſt in that Office. Therefore in After-times, the Perſons that enjoyed that Office were called *Spigurnels*. *Pat.* 11 *Hen.* 3. *m.* 7. *& Clauſ.* 4 *Edw.* 1. *dorſo m.* 6. *Johannes Boun Miles, Filius Domini Franciſci Boun, & Johanna uxor ejuſdem Johannis concedunt al Roy ſerjeantiam ſuam ipſius capellæ Regis, & officium* Spigurnellorum *ad ipſos ſpectans; quæ de Rege tenent in Capite.*—— Memorand. in Scaccar. Mich. 14 Ed. 1. by Sir *John Maynard.*

Spikenard, *Spica Nardi, vel Nardus*, Is a medicinal Herb. whereof read *Gerard's Herbal, lib.* 2. *cap.* 415. The Fruit or Ear of this (for it brings forth an Ear like *Lavender*) is a Drug garbleable, by 1 *Jac. cap.* 19.

Spina, *Speen* near *Newbury* in *Berkſhire.*

Spinacium Is that Sort of Veſſel which we now call a Pinnace: It is mentioned by *Knighton*, *Anno* 1338. *Redierunt Normanni cum galeis* 12 *& cum octo* Spinaciis *cum manu bene armata.*

Spindulæ Were thoſe Three Golden Pins which were uſed about the Pall, and from thence

Spindulatus Signified to be adorned with the Archiepiſcopal Pall, *viz. Lanfrancus Epiſcopus in tabula plumbea ponderoſa valde inventus fuit, in qua a prima die ſepulturæ intactis Membris mitratus,* Spindulatus *uſque in hunc diem jacuerat.* Du Cange.

Spinſter, It is the Addition uſually given to all unmarried Women, from the Viſcount's Daughter downward: Yet Sir *Edward Coke* ſays, *Generoſa* is a good Addition for a Gentlewoman, and that if they be named *Spinſter* in any Original Writ, Appeal or Indictment, they may abate and quaſh the ſame. 2 *Inſt. fol.* 668.—— Pollard *Miles & Judic. habuit* 11. *filios gladiis cinctos in tumulo ſuo & totidem filias ſuſis depictas. Spelman* in his *Aſpilogia* ſays, —— *Antiquis temporibus ipſæ Reginæ*

ginæ fusis usæ sunt, unde hodie omnes fœminæ Spinsters *dictæ sunt.*

Spiritualities of a Bishop, *Spiritualia Episcopi* Are those Profits which he receives as a Bishop, not as a Baron of the Parliament. *Staundf. Pl. Cor. fol.* 132. Such are the Duties of his Visitation, his Benefit growing from ordaining and instituting Priests, Prestation-Money, that is, *subsidium charitativum*, which upon reasonable Cause he may require of his Clergy. *Johannes Gregor. de Benefic. cap. 6. num.* 9. and the Benefit of his Jurisdiction. *Joachimus Stephanus de Jurisd. lib.* 4. *cap.* 14. *num.* 14.

Spittle-House, Mentioned in the Act for Subsidies, 15 *Car.* 2. *cap.* 9. Is a Corruption from Hospital, and signifies the same Thing; or it may be taken from the Teutonick *Spital*, which denotes an Hospital or Alms-House.

Spoliation, *Spoliatio*, Is a Writ that lies for one Incumbent against another, in any Case where the Right of the Patronage cometh not in Debate; As if a Parson be made a Bishop, and hath Dispensation to keep his Rectory, and afterwards the Patron present another to the Church, which is instituted and inducted. The Bishop shall have against this Incumbent a Writ of *Spoliation* in *Court Christian. F. N. B. fol.* 36. See *Benevolence*, and *Termes de la Ley*, hoc verbo.

Sponsagium, In a Charter of *Edw.* 1. to the Barons of his Cinque-ports.——— *Quieti sint de omni thelonio & omni consuetudine, videlicet, ab omni Iastagio, tallagio, passagio, cayagio, rivagio,* Sponsagio, *& omni wrecco.*——— Placit. temp. Ed. 1. & Ed. 2. MS. penes Dom. Fountains.

Sponte oblata's: So anciently free Gifts and Presents to the King were called.

Sportula Signifies Gifts, Gratuities, Salaries. *Ut nec Episcopus nec Abbas pro justitia facienda* Sportulas *contradictas* (*i. e.* forbidden) *accipiat.* From hence St. *Cyprian*, (*Epist.* 70, 71, 90.) calls those Clergymen *Sportulantes fratres* who received such Gifts for their Maintenance, which afterwards were called *Præbendæ.*

Spouse-breach, Adultery, or Incontinence, opposed to simple Fornication. *A. D.* 1542. The Lady *Katherine* was accused to the King of incontinent living not only before her Marriage, but also of *Spouse-breach* after her Marriage. *Fox Act. Mon. Vol.* 2. *pag.* 540. *b.*

Spullers of Yarn Are Tiers of Yarn, to see if it be well spun, and fit for the Loom. *Anno* 1 *Mar. Parl.* 1. *cap.* 7. *Spullers* are those that work at the *Spole*, i. e. *Rota glomeratoria textorum, qua fila rotando conglomerantur*, says Dr. *Skinner.*

Spurarium aureum, A Spur-Royal.——— *Pro hac recognitione dedit Johannes prædicto Hugoni unum* spurarium aureum. *Paroch. Antiq. pag.* 321.

Spren, Broken Wood, or Wind-fall.——— *Cum autem in boscis nostris aliqua succiderimus, licebit eis sine aliquo ferramento vel aliquo utilio succibili intrare, & ramalia quæ de Wyvede remanserint, quæ Anglice* Spren *dicuntur, colligere.*——— *Conventio inter Priorem & Convent. Cantuar. & Homines de Chertham facta anno* 1166.——— Ex Registro Eccl. Christi Cant. MS.

Squalley, *Anno* 43 *Eliz. cap.* 10. See *Rewey.* It is a Note of Faultiness in the Making of Cloth.

Squillarii for **Scalarii,** *i. e.* Stone-cutters. See *Scalaria.*

Squires. See *Esquires.*

Stabilia, It was a Custom in *Normandy*, that where a Man in Power claimed Lands in the Possession of an Inferior, he petitioned the Prince that it might be put into his Hands till the Right was decided; and then he had a Writ which was called *Breve de Stabilia.* To this a Charter of *Henry* the First seems to allude, in *Pryn, lib. Angl.* 1 *Tom. pag.* 1204. *viz. Et omnes decimas venationis prædictarum foreſtarum excepta decima illius venationis quæ capta fuerit cum* Stabilia *in foreſta de Windleſhore.*

Stabilitio venationis. *Qui monitus* ad Stabilitionem venationis, *non ibat, L sol. Regi emendabat. Domesday.* The driving Deer to a Stand, which is also called *Driving the Wanlass. Omnes Burgenses de Bishops-Castle debent invenire unum hominem ter per annum* ad Stabilamentum *pro venatione capienda quando Episcopus voluerit.* Lib. niger. Heref. So in *Leg. H.* 1. *cap.* 17. *In venatione si quis ad* Stabilitatem *non venit, i. e.* He who doth not come to the Place where he ought to stand.

Stablestand, (*Stabilis statio*, or rather *Stans in Stabulo*) Is one of the Four Evidences or Presumptions whereby a Man is convicted, to intend the Stealing the King's Deer in the Forest. *Manwood, part* 2. *cap.* 9. *num.* 9. The other Three are *Dog-draw*, *Back-bear*, and *Bloody-hand.* This *Stablestand* is, when a Man is found *in stabili statione*, at his *Standing* in the Forest with a Cross-bow, or Long-bow bent, ready to shoot at any Deer, or else standing close by a Tree with Grey-hounds in a Leash, ready to slip.

Stabulatum for *Tabulatum*, which see.

Stachia, An *Estache*, A Dam or Head made up of Stakes, Earth, Stones, *&c.* to stop a Water-course.—— *Abbas & Conventus Sancti Edmundi habent quoddam stagnum prope villam B. Edmundi quod vocatur Teyven*—— *& Celierarius S. Edmundi ligna* (*ibi transversa*) *reparare volens fecit ibi venire Carpentarios, & apponere fecit* stachias *subter ligna versus aquam, &c.* Ex Cartular. S. Edmundi, MS. 193. See *Estache.*

Stadium Is in *Domesday-Book* accounted for a Furlong of Land, which is the Eighth Part of a Mile.

Stagiarius, A Canon Residentiary in a Cathedral Church. *Stagiaria*, the Residence to which he was obliged. *Stagiari*, to keep such Residence. As in a Statute made in the Chapter of *Paul's*, 2 *Id. Jul. Anno* 1319.——— *Ortam de modo* Stagiariæ *inter Festum S. Johannis Bapt. & Mich. in Ecclesia London. faciendæ Dubitationem volentes enodare; ad tollendum omnem conscientiæ scrupulum antiquam consuetudinem* stagiandi *in dicto termino seu quarterio nondum scriptam hac scriptura exprimere decrevimus, videlicet, quod antiquus* Stagiarius *a die Sabbati, &c.* ——Ex Libro Statut. Ecclesiæ Paulinæ per Tho. Lyscaux Decanum, MS. fol. 56. b. They commonly put this Distinction between *Residentiarius* and *Stagiarius*; every Canon installed to the Privileges and Profits of Residence was *Residentiarius*, and while he actually kept such stated Residence he was *Stagiarius*, or *Stagionarius.* The Word *Stagium* was likewise used for Residence, as *Stagionarius postquam* stagium *suum in Domibus Ecclesiæ vicinis incepit, &c.* Ib. fol. 44. a.

Stagnarium, *Vel potius* Stannarium, a Tin-Mine, *Rex, &c. Concessimus Dominæ Reginæ matri nostræ cuneum &* stagnarium *Devon. ad se sustinendum,* Pat. Anno 1 Hen. 3.

Stagnes, *Stagna*, Ponds, Pools, or standing Waters, mentioned 5 *Eliz. cap.* 21.

Stal-boat, A Kind of Fishers *Boat, Anno* 27 *Eliz. cap.* 21.

Stalkers,

Stalkers, A Kind of fiſhing Nets, mentioned 13 *Rich.* 2. *ſtat.* 1. *cap.* 20. & 17 *Rich.* 2. *cap.* 9.

Stallange, *Willielmus Lucy miles remittit domui & Eccleſiæ de Thelesford, tolle, tack*, Stallange, & *Blodeſbede*——— anno 7 H. 7. Cartular. domus de Thelesford, MS.

Stallage, (*Stallagium*, from the Sax. *Stal. i. e. Stabulum, Statio,*) The Liberty or Right of pitching or erecting *Stalls* in Fair or Market, or the Money paid for the ſame. *Quod ſi aliquis portaverit res ſuas ad forum & poſuerit ſuper* Stallas, *faciet redemptionem pro eis qualibet die Lunæ, vel ſemel pro toto anno.* Ex Regiſtro Priorat. de Cokesford. See *Scavage.* In *Scotland* it is called *Stallange*, and among the *Romans* it was termed *Siliquaticum a ſiliqua primo & minimo omnium pondere apud illam nationem.* See *Kennet's Gloſſary.*

Stallarius. It is mentioned in our Hiſtorians, *viz.* in *Simeon Dunelm. Hoveden, Flor. Worceſter, Anno* 1068. and it ſignifies *Præfectum ſtabuli.* Sometimes it is wrote *Stallare*, which *Spelman* derives from the Saxon *Stal, i. e. Stabulum*, and *Here, Dominus*, and was the ſame Officer which we now call Maſter of the Horſe. *Eadnothus qui fuit Haroldi Regis* Stallarius *occurrit cum exercitu, &c.* Sometimes it ſignifies him who hath a Stall in a Fair or Market. *Fleta, lib.* 4. *cap.* 28. *par.* 13.

Stallum. See *Terletum.*

Standardus, True Standard, or legal Weight or Meaſure.——— *Ricardus Abbas S. Edmundi & Conventus.*——— *Salut.*——— *Willielmus Tyllot.* ———*tenet de nobis quoddam meſſuagium*——— *continet in latitudine quinque virgas* Standardi, *& in latitudine quatuor virgas* Standardi, *&c. Dat.* 13 *Jul.* 15 *Ed.* 4.——— Ex Cartular. S. Edmundi, MS. fol. 268.

Standard. See *Eſtandard.*

Standardum Londini. *Vobis mandamus quod* Standardum Londini *de hujuſmodi menſuris diligenter aſſiſari & probari, ac alias menſuras per dictum* Standardum *fieri ad ſingulos Comitatus Regni, &c.* Clauſ. 14 Ed. 2. m. 14. tntus.

Standell. Is a young ſtore Oak-tree, which may in Time make Timber; Twelve ſuch are to be left ſtanding in every Acre of Wood at the Felling thereof. 35 H. 8. t7. and 13 *Eliz. cap.* 25.

Stanlaw, A Stony Hill. *Domeſday.*

Stannaries, *Stannaria*, Comes from the Latin *ſtannum*, Tin, and ſignifies the Mines and Works where this Metal is digged and purified; as in *Cornwall*, and other Places: Of this read *Cambd. Brit. pag.* 119. The Liberties of the *Stannary-Men* granted by *Edward* the Firſt, before they were abridged by the Statute 50 *E.* 3. ſee in *Plowden's* Caſe of *Mines, fol.* 327. and *Co.* 12 *Rep. fol.* 9. And further, for the Liberties of the *Stannary-Courts*, ſee 17 *Car.* 1. *cap.* 15. Of which Courts there are Four in *Devon* and Four in *Cornwall.*

Stannum, In the Statutes of the Cathedral Church of St. *Pauls* it was ordained, *ut Servientes capas cericas, libros, pannos ſericos & lineos ac laneos,* ſtanna, *cathedras, pulvinaria & alia ornamenta Eccleſiæ a veſtibulo in chorum ſeu alibi in Eccleſiam deferent, &c.* where I take *Stanna* to be the ſtanding Candleſticks, ſuch as were ſometimes called *ſtataria* and *Cereo ſtata.*

Staple, *Stapellum*, Signifies this or that Town or City, whither the Merchants of *England* were, by Act of Parliament, to carry their Wool, Cloth, Lead and Tin, and ſuch like *ſtaple* Commodities of this Land, for the Utterance of them by the Great. The Word may either be derived from the Saxon *Staple*, which ſignifies the Stay, or Hold of any Thing, according to *Lambard* in his *Duty of Conſtables, num.* 4. becauſe the Place is certain and ſettled; or elſe from the French *Eſtape, i. forum vinarium*, a Market of *Staple* for Wines; the chief Commodity of *France*; or rather from the German *Stapelen*, which ſignifies to gather, or, to heap any Thing together. And accordingly in a *French* Book we find it written. ——— *A Calais y avoit* Eſtape *de la laine, &c.* which is as much as to ſay, as the *Staple* for Wools. You may read of many Places appointed for this *Staple* in our Statutes, according as the King thought fit to alter them, from the Second Year of *Edward* the Third, to the Fifth of *Edward* the Sixth, *cap.* 7. What Officers the *Staples* had belonging unto them, you may ſee in *Anno* 27 *E.* 3. *ſtat.* 3. *cap.* 21. The *Staple* Commodities of this Realm, are Wool, Leather, Wool-fells, Lead, Tin, Butter, Cheeſe, Cloth, *&c.* as appears by the Statute 14 *Rich.* 2. *cap.* 1. though ſome allow only the Five firſt. See 4 *Inſt. fol.* 238.

Star, *Starrum.* A Contraction from the Hebrew *Shetar*, which ſignifies a Deed or Contract. All the Deeds, Obligations, and Releaſes of the *Jews*, were anciently called *Stars*, written for the moſt Part in *Hebrew* alone, or elſe in *Hebrew* and Latin; one of which yet remains in the Treaſury of the Exchequer, written in *Hebrew* without Pricks in King *John's* Reign, the Subſtance whereof is thus expreſſed in *Latin* juſt under it, like an *Engliſh* Condition under a *Latin* Obligation.——— *Iſtud* Star *fecit Hagius filius Magri de London Domino Ade de Stratona, de acquietancia de Stanmore de omnibus debitis in quibus Dominus S. de Cheyndut ei tenebatur. Ita quod idem Judæus nec hæredes ſui nihil exigere poſſint de prædicto Ade, nec de hæredibus ſuis, ratione terræ de Stanmore de prædictis debitis.* See the Plea-Rolls of *Paſch.* 9 *Edw* 1. *Rot.* 4, 5, 6, *&c.* Where many *Stars*, as well of Grant and Releaſe as obligatory, and by Way of Mortgage, are pleaded and recited at large.

Stara, From *Sextaria. Sex* Staras *vini, &c.*

Star-Chamber, *Camera ſtellata*, otherwiſe called *Chamber des eſtoylles*, was a *Chamber* at *Weſtminſter* ſo called (as Sir *Tho. Smith de Rep. Angler. lib.* 2. *cap.* 4. conjectures,) becauſe at firſt the Cieling thereof was adorned with Images of gilded *Stars.* And in the 25 of *Hen.* 8. *cap.* 1. It is written the *ſtarred Chamber. Henry* the Seventh, and *Henry* the Eighth, ordained by two ſeveral Statutes, *viz.* 3 *Hen.* 7. *cap.* 1. and 21 *Hen.* 8. *cap.* 2. That the Chancellor aſſiſted by others there named, ſhould have Power to puniſh *Routs, Riots, Forgeries, Maintenances, Embraceries, Perjuries*, and other ſuch *Miſdemeaners* as were not ſufficiently provided for by the Common Law, and for which the inferior Judges are not ſo proper to give Correction: And becauſe that Place was before ſet apart to the like Service, it was ſtill uſed accordingly. Touching the Officers belonging to this Court, ſee *Cambd. pag.* 112, 113. But by the Statute 17 *Car.* 1. *cap.* 10. this Court commonly called *the Star-Chamber*, and all Juriſdiction, Power and Authority thereto belonging, are from and after the Firſt of *Auguſt*, 1641. clearly and abſolutely diſſolved and determined, and ſo continues diſſolved and determined to this Day.

Starling. See *Sterling*.

Statera, *i. e.* Money. It is mentioned in *Malmsbury*, in the Life of St. *Aldhelm*, *cap.* 9. *viz. Wintoniæ prælatus Daniel qui esset ejusdem Regionis oriundus*, & Staterarum *non egenus*, &c.

Stationarius, A Canon Residentiary in a Cathedral Church. See *Stagiarius*, *Statio*, Residence.

Statuarium, A Grave or Tomb adorned with Statues. *Ac ejus sacro corpore terrâ illic inter multa alia Romana* Statuaria *commendato*, &c. Ingulphus, pag. 853.

Status de manerio, All the Tenants and legal Men within the Liberties of a Manor, met in the Court of their Lord, to do their customary Suit, and enjoy their Usages and Rights. —— *Apud curiam de Wrechwyke tentam in Festo S. Andreæ* anno 17 E. 3. —— *omnis* status *de Wrechwyke elegerunt Hugonem Kyng ad officium Præpositi, & juramentum suscepit.* Proch. Antiq. p. 456.

Statute, *Statutum*, Has divers Significations; as first, it signifies an Act of Parliament made by the King and the Three Estates of the Realm, in which Sense it is either general or special. *Co. lib.* 4. *Holland's* Case, *f.* 76. *Statute* in another Signification, is a short Writing called a *Statute-Merchant*, or a *Statute-Staple*, which are in Nature of Bonds. *Anno* 5 H. 4. *cap.* 12. and are called *Statutes*, because made according to the Forms expressly provided by *Statutes*, which direct both before what Persons, and in what Manner they ought to be made. *West. Symbol. part* 1. *lib.* 2. *sect.* 151. where he defines a *Statute-Merchant* thus, A *Statute-Merchant* is a Bond acknowledged before one of the Clerks of the *Statutes-Merchant* and Mayor, or chief Warden of the City of *London*, or Two Merchants of the said City for that Purpose assigned, or before the Mayor, chief Warden, or Master of other Cities or good Towns, or other sufficient Men for that Purpose appointed, sealed with the Seal of the Debtor and of the King, which is of Two Pieces; the Greater is kept by the Mayor, chief Warden, &c. and the lesser Piece thereof by the said Clerks: The Form of which you may see in *Fleta*, *lib.* 2. *cap.* 64. *sect.* 2. thus: *Noverint universi me* N. *de tali Comitatu teneri* P. *in quadraginta marcis solvendis eidem ad festum Pasch. Anno Regni Regis*, &c. *& nisi fecero, concedo quod currant super me & hæredes meos districtio & pœna provisa in* statuto *Domini Regis Edito apud Westm. Dat. London, tali die Anno supradicto.* The Fee for the Seal is, for *Statutes* acknowledged in Fairs, for every Pound a Half-penny, and out of Fairs a Farthing. The Execution upon a *Statute-Merchant* is, first to take the Body of the Debtor, if he be Lay, and can be found; if otherwise, upon his Lands and Goods, and is founded on the *Statute* made 13 E. 1. *stat.* 4. See the *New Book of Entries*, *verb.* Statute-Merchant.

Statute-Staple Is so called either properly or improperly. A *Statute-Staple* properly so called, is a Bond of Record, acknowledged before the Mayor of the *Staple*, in the Presence of one of the Two Constables of the same *Staple*, for which Seal the Fee is, of every Pound, if the Sum exceed not 100 *li.* an Half-penny, and if it exceed 100 *li.* a Farthing; and by Virtue of such *Statute-Staple*, the Creditor may forthwith have Execution of the Body, Lands and Goods of the Debtor: And this is founded upon the Statute 27 *Edw.* 3. *ca.* 9. A *Statute-Staple* improper is a Bond of Record, founded upon the Statute 23 H. 8. *cap.* 6. Of the Nature of a proper *Statute-Staple* as to the Force and Execution of it, and acknowledged before one of the chief Justices, and in their Absence, before the Mayor of the *Staple* and Recorder of *London*. The Form of all these Bonds or Statutes, see in *West. Symbl. part* 1. *lib.* 2. *sect.* 152, 153, 154, 155.

Statutes are also vulgarly taken for the *Petit-Sessions*, which are yearly kept for the Disposing of Servants in Service, by 5 *Eliz. cap.* 4. See *Recognisance*. And these *Statute-Sessions*, otherwise called *Petit-Sessions*, are a Meeting in every Hundred of all the Shires in *England*, where by Custom they have been used, whereto the Constables and others, both Housholders and Servants repair, for the Debating of Differences between Masters and Servants, the Rating of Servants Wages, and bestowing such People in Service as being fit to serve, either refuse to seek, or get Masters. *Anno* 1 *Eliz. cap.* 5.

Statuto-Stapulæ Is a Writ that lies to take his Body to Prison, and seise upon his Lands and Goods, that hath forfeited a Bond called *Statute-Staple*. Reg. Orig. fol. 151.

Statutum de Labozariis Is a Writ Judicial, for the Apprehending of such *Labourers* as refuse to work according to the Statute. *Reg. Judic. fol.* 27.

Statuto Mercatorio Is a Writ for the Imprisoning of him that has forfeited a Bond called *Statute-Merchant*, until the Debt be satisfied. *Regist. Orig. fol.* 146. And of these there is one against Lay-persons, and another against Ecclesiastical. *Ibid.* & 148.

Stabis-aker, Staphys *agria vel herba Pediculoris*, Is a medicinal Herb; the Kinds and Virtues whereof you have in *Gerard's Herbal*, *lib.* 1. *cap.* 130. The Seed of this is mentioned among Drugs to be garbled. *Anno* 1 *Jac. cap.* 19.

Staurum, Any *Store*, or Standing Stock of Cattle, Provision, &c. *Matt. Westm. Anno* 1259. *Viginti insuper & quinque libras pro* Stauro *ejusdem loci.* When formerly the Bishops occupied and stocked their own Demesne Lands, they were obliged to leave at their Death such a determined Quantity of Cattle for a Stock to their Successors; which Stock upon the Ground was called *Staurum*, and *de* Stauro, *de Instauro*.

Stealing Is the fraudulent taking away of another Man's Goods, with an Intent to *steal* them against, or without the Will of him whose Goods they be. The Civil Law judges open Theft to be satisfied by the Recompence of Fourfold; and privy Theft, by the Recompence of Double; but the Law of *England* adjudges both those Offences to Death, if the Value of the Thing stolen be above Twelve Pence.

Stellatus, The same with *Stallatus*, *viz.* one who sells Goods in a Stall. *Bracton*, *lib.* 4. *cap.* 46. *Quæ quidem sufficere debet omnibus nisi forte sint mercatores* Stellati, *qui merces deposuerint & exposuerint venales.*

Stemnifreoh, —— *Necnon libertate multuræ suæ in molendino ipsius* Roberti, &c. *quod sint* Stemnefreoh & Cholfreoch. *Mon. Angl.* 2 *par. fol.* 293.

Steunery Is used for the same with *Stannaries* in the Statute of 4 H. 8. *cap.* 8. See *Stannaries*.

Steoresman. *Si suis bonis spoliati, de navi compertum fuerit, reddat* Steoresman, *i. e.* Navarchus,

chus, *bona ſive pecuniam illam.* LL. Marinæ Ethelredi Regis apud Brompton. We yet retain the Name Steers-man, or Pilot. See *Sturemannus.*

Sterbrech, alias **Strebrech**, Is the breaking, obſtructing, or making leſs of a Way. Strebrech *eſt, ſi quis viam frangat, concludendo, avertendo vel fodiendo:* It may be derived from the old *Engliſh* Word *Stre, i. Via*, and *Brech, i. Fractio*; hence probably to go *a Stray*, or now as we write *aſtray*, that is, to go out of the Way.

Stercoris cathedra, *Vir ſive Mulier falſam menſuram in civitate faciens deprehenſus in ſolidis emendabat, ſimiliter malam cerviſiam faciens aut in* cathedra *ponebatur* ſtercoris, *aut quatuor ſolidos dabat Præpoſitis.* Lib. Domeſdei, Ceſtreſcire.

Sterlenſis, The ſame with Sterling.

Sterling, *sterlingum*, Was and is the Epithet for Silver Money current within this Realm; and took Name from this, that there was a pure Coin ſtamped firſt in *England* by the *Eaſterlings*, or Merchants of *Eaſt-Germany*, by the Command of King *John*, and accordingly *Roger Hoveden parte poſter. ſuor. annal. fol.* 377. writes it *Eſterling.* See the Statute *of Purveyors*, *cap.* 13. By the Statute 31 *Edw.* 1. the Penny which is called the *Sterling*, round, and without clipping, weighs Thirty-two Grains of Wheat, well dried, and Twenty Pence make an Ounce, Twelve Ounces a Pound, and Eight Pound a Gallon of Wine, and Eight Gallons a Buſhel, which is the Eighth Part of a Quarter. 17 *E.* 2. *cap.* 19. The Word is not yet out of Uſe; for though we ordinarily ſay lawful Money of *England*, yet in the Mint, and the like, they ſay *ſterling* Money. (*Sterling*) When it was found convenient in the Fabrication of Monies, to have a certain Quantity or Proportion of baſer Metal to be mixed with the pure Gold and Silver; the Word *Sterling* or *Eſterling* was then introduced, and has ever ſince been uſed to denote the certain Proportion or Degree of Fineneſs, which ought to be retained in the reſpective Coins. *Vide* Lownd's *Eſſay upon Coins*, *pag.* 14. See *Kennet's Gloſſary in* Sterlingi.

Steward (*Seneſcallus*) Is compounded of the Saxon *Steda*, *i. e.* Room, Place, or Stead, and *Weard*, *i. e.* a Ward or Keeper; as much as to ſay, a Man appointed in my Place or *Stead*; and always ſignifies a principal Officer within his Juriſdiction. The greateſt of theſe is the *Lord High Steward of* England, which was anciently the Inheritance of the Earls of *Leiceſter*, till forfeited to *Henry* the Third by *Simon de Mountfort.* But the Power of this Officer being very great, of late he has not uſually been appointed for any long Time, but only for the Diſpatch of ſome ſpecial Buſineſs, as the Arraingment of ſome Nobleman in Caſe of Treaſon, or ſuch like, which once ended, his Commiſſion expires. Of the Court of the *High Steward of* England, you may read 4 *Inſt. fol.* 59. There is the Lord *Steward* of the King's moſt honourable Houſhold, 24 *H.* 8. *cap.* 13. whoſe Name was changed to that of *Great Maſter* by 32 *H.* 8. *cap.* 39. But this Statute was repealed by 1 *Mar.* 2. *Parl. cap.* 4. and the Office and Name of the *Lord* Steward *of the King's Houſhould* revived, where you may read much concerning him, as alſo in *F. N. B. fol.* 241. Of his ancient Power, read *Fleta*, *lib.* 2. *cap.* 3. There is alſo a *Steward* of the *Marſhalſea. Pl. Cor. fol.* 52. and 33 *H.* 8. *cap.* 12. In brief, this Word is of ſo great Diverſity, that there is in moſt Corporations, and in all Houſes of Honour throughout the Realm, an Officer of this Name and Authority. What a *Steward* of a Manor or Houſhold is, or ought to be, *Fleta*, fully deſcribes, *lib.* 2. *cap.* 71, 72.

Stews or **Stues**, Are thoſe Places which were permitted in *England* to Women of profeſſed Incontinency, and that for Hire would proſtitute their Bodies to all Comers. It is derived from the French *Eſtuves*, *i. Thermæ*, *vel Balneum*, becauſe diſſolute Perſons are wont to prepare themſelves for venereous Acts by Bathing. And that this is not new, *Homer* ſhews in the Eighth Book of his *Odyſſ.* where he reckons hot Baths among the effeminate Sort of Pleaſures. Of theſe read 11 *H.* 6. 1. But King *Henry* the Eighth about the Year 1546. prohibited them for ever.

Stica Was a braſs Coin amongſt the *Saxons*, and of the Value of half their Farthing, and Four of them made an *Heſling.*

Stick of Eels, (*Stat compoſit. ponden. & menſur.*) Bind *anguillarum conſtat ex decem* ſticks, *& quælibet* ſtick *ex* 25 *anguillis.* Mon. Angl. Tom. 2. fol. 880. It is in ſome Records called *brochus anguillarum.*

Stickler, A ſmall Officer who cut Wood for the Priory of *Ederoſe* within the King's Parks of *Clarendon.* Rot. Parl. 1 *H.* 6.

Stilyard, *Guildhalda Teutonicorum*, *Anno* 19 *H.* 7. *cap.* 32. 22 *H.* 2. *cap.* 8. and 32 *H.* 8. *cap.* 14. was a Place in *London*, where the Fraternity of the *Eaſterling Merchants*, otherwiſe called *The Merchants of the Hanſe and Almaine.* Anno 1 E. 6. c. 13. had their Abode. See *Geld.* It was at firſt ſo denominated of a broad Place or Court where *Steel* was ſold, upon which Place that Houſe was founded. See *Hanſe.*

Stipula, Stubble, or Gratten left ſtanding on the Ground after the Corn is reaped and carried away.——— *Dedi unam careſtatam foragii, & duas acras* ſtipulæ, *&c.* Cart. 2. E. 2.——— *Præterea conceſſit eidem Radulfo & hæredibus ſuis habere octo animalia & ſex porcos in dominica paſtura mea, & in* ſtipulis *meis quieta de conſuetudine in perpetuum.* Carta Sewalli de Oſevile, Anno 1205.

Stiremannus, Saxon *Steor-man.* A Pilot or Steers-man.——— *Quando Miſſatici Regis veniebant ibi* (*i. e. ad Dovere*) *dabant pro caballo tranſducendo* 3 *denarios in hyeme, & 2 in æſtate: Burgenſes vero inveniebant* Stiremannum *& unum alium Adjutorem.* Lib. Domeſdei in Chenth. See *Sturemanus.*

Stoc and Stovel,——— *Præterea ſi homines de Stanhall dicti Abbatis inventi fuerint in boſco prædicti* W. *cum forisfacto ad* ſtoc *& ad* ſtovel *alias* ſtovene, *& aliquis quærens corporaliter in terram per eos ſeiſit. fuerit, malefactor pro delicto, qui taliter inventus fuerit, reddet tres ſolidos,——— ſimiliter conceſſum eſt quod ſi aliquis inventus fuerit cum brackiis quercuum vel cum aliis minutis boſcis, cum forisfacto illo ad* ſtoc *& ad* ſtovell, *Malefactor ille reddet ſex denarios.* E quadam Cart. Conventionum, inter Will. de Bray, & Abbat. & Convent. de Oſiney. Where *Stoc* ſignifies Sticks, and *Stovel* ſignifies *Pabulum.* So that the Forfeiture *ad* Stoc & Stovel, is where any one is taken carrying *Stipites & Pabulum* out of the Woods. See *Zuche.*

Stockkind. See *Gavelkind.*

Stoke. This Syllable added to the Name of a Place, comes from the Sax. *Stocce*, *i. e. Stipes, Truncus*; as *Woodſtock*, *Baſingſtoke*, *&c.*

Stola Was a Garment which Matrons wore, and reached down to their Buttocks *Ovid* in his Second Book *De Triſtibus* mentions the Word,

Quas ſtola *contingi vittaque ſumpta vetat.*

And *Ulpian* alſo *de Auro & argento.* Leg. 1. Veſtis. Muliebria, inquit, ſunt, veluti *ſtolæ*, pallia, tunicæ, &c.

Stola Was a Garment formerly worn by Prieſts, like thoſe which we now call Hoods. *Stephen Eddy, cap.* 10. tells us, That *circundata fuit collo ad interiora deſcendens, ſignificat obedientiam filii Dei & jugum ſervitutis quod pro ſalute hominum ſuper humeros portavit.*

Plorat & exorat, veniam dum fletibus orat,
Deponendo Stolam *quam toto tempore carni*
Anni portabat, quam ſic vehementer amabat,
Quod ſublimatus, quod erat Levita creatus.

Sometimes it is taken for the Archiepiſcopal Pall, *viz. Et ut Romam ad Papam Urbanum pro* Stola *ſui Archiepiſcopatus eundi ſibi licentiam daret.* Eadmerus, cap. 188.

Stone of Wool, *Petra Lanæ*, Anno 11 H. 7. cap. 4. Ought to weigh Fourteen Pounds; yet in ſome Places it is more, and in others it is but Twelve and a Half, *Le charre de plumbo conſtat ex* 30 *formellis & quælibet formella continei* 6 *petras exceptis duabus libris, & qualibet Petra conſtat ex* 12 *libris.* Compoſitio de Ponderibus. A *Stone* of Wax is but Eight Pound, nor is the *Stone* of Beef at *London* any more. See *Weights* and *Sarpler*, and alſo *Crompton's Juſtice of Peace, fol.* 83.

Stony-Stratford. See *Lactodorum.*

Storium. It is mentioned in *Hoveden, p.* 670. for a Navy. *Cum* 30 *magnis navibus, & erant pariter in eodem loco de* Storio *Regis Anglia* 106 *magnæ naves, &c.*

Stotal.——— *Alſo moreover we have granted, in Amendment to the City, that they bin all quit of* Brytzchel, *of* Childwit, *of* Zereſgen, *and of* Stotall; *So that no Sheriff of* London, *neither none other Bayly, make* Stotal *in the Francheis aforeſaid,* &c. This I find in an old printed Book, which delivers it (*inter al.*) as the Charter of *Henry* 1. to the City of *London.* But the Word is, without Doubt, miſtaken for *Scotale.*

Stotarius Was he who had the Care of the Stud or Breed of young Horſes. *Leg. Alfredi, cap.* 9. *Et quod de berbicario,* Stotario, *& vaccario, fit, &c.*

Stoth,——— *Nativi de Wridthorp*——— *ſolvit quilibet pro filiabus ſuis maritandis gerſon Domino, & Ourlop pro filiabus corruptis, &* Stoth *& alia ſervitia & auxilia.* Petr. Bleſ. Contin. Hiſt. Croyland, pag. 115.

Stovene. See *Zuche.*

Stow, Either by it ſelf, or added to a Word, ſignifies a Place; as *Stow* in the *Wold*, a Place near the Plains; from the Sax. *Stow, Locus,* and *wold, i. e. Planities. Godſtow*, a Place dedicated to God.

Stowage, From the Saxon *Stow, i. locus, villa,* is the Place or Part where Goods are laid, or the Money that is paid for ſuch a Place.

Stowe, According to *Domeſday* Book ſignifies *Villam*, a Village.

Straits or **Streits,** *Anno* 18 *H.* 6. and 1 *R.* 3. *cap.* 8. A Sort of narrow Cloth or Kerſey ſo called.

Strand, Sax. *Strande.* Any Shoar or Bank of a Sea or River. An Immunity from Cuſtom and all Impoſition upon Goods or Veſſels by Land or by Water, was uſually expreſſed *by* Strand *and Stream.* As King *Henry* 2. to the Church of *Rocheſter,*——— *Concedo & confirmo in perpetuum cum ſocne & ſoke,* Strand *&* Stream. *Mon. Anglic. Tom.* 3. *pag.* 4. So the ſame Prince granted to all Tenants and Traders within the Honour of *Walingford*, that——— *by Water and by Land, by Wood and by* Strand, *quieti ſint de thelonio, paſſagio, &c.* Paroch. Antiquit. pag. 114. Hence the Street in the Weſt Suburbs of *London*, which lay next the Shoar or Bank of the *Thames*, is called the *Strand.* And *G. Duglaſe* mentions the *Strandis of the Sea.* See *Strond.*

Stranded, (From the Saxon *Strand*, a Shore or Bank of the Sea, or any great River) Is, when any Ship is either by Tempeſt, or ill Steerage, run on Ground, and ſo periſhes, Stat 17 *Car.* 1. *cap.* 14. See *Strond.*

Stranger May be derived from the French *Eſtranger, aliena.* It ſignifies generally in our Language, a Man born out of the Land, or unknown; but in the Law it hath a ſpecial Signification, for him that is not Privy or Party to an Act. As a *Stranger* to a Judgment. *Old Nat. Brev. fol.* 128. is he to whom a Judgment doth not belong; and in this Senſe it is directly contrary to *Party* or *Privy.* See *Privy.*

Stray. If any Beaſt do by Chance go *aſtray*, and come within the Liberty of the *Prior*, and ſhall be taken by his Bailiffs, it ſhall be carried to the *Pinfold*, and there kept a Year and a Day; if no Man claim it within that Time, then the *Prior* ſhall have it: But if any one come, and ſhall lawfully prove it to be his, he ſhall give for every Foot one Penny, and pay the Charges of keeping, and then he ſhall have his Beaſt again. *Ex Regiſt. Priorat. de Cokesford.* See *Eſtray.*

Stream-works, Is a Kind of *Works* in the *Stannaries* which you may find mentioned 27 *H.* 8. *cap.* 23. Concerning theſe, *Cambden* in his *Britan. Tit. Cornwal*, hath theſe Words, *Horum ſtannariorum ſive metallicorum operum duo ſunt Genera: Alterum* Lode-works, *alterum* Stream-works *vocant, hoc in locis inferioribus eſt cum foſſis agendis ſtanni venas ſectantur & fluviorum alveos ſubinde deflectunt; illud in locis editioribus, cum in montibus Puteos, quos* ſhafts *vocant, in magnam altitudinem defodiunt & cuniculos agunt.*

Streetman, (Sax.) Id eſt, *Robuſtus, vel Potens vir.* Lelandi Coll. Vol. 2. pag. 188.

Street-gavel or **Stret-gavel,** *Quilibet tenens in Manerio de* Cholington *dabit* 2 *s. pro itu & reditu,* MS. de temp. E. 4. Every Tenant of that Manor, (in *Com. Suſſex*) paid yearly Two Shillings for his going out and returning into it, to the Lord of the Manor, by the Name of *Stret-gavel. Mich.* 4 *E.* 1. *Coram Rege.* Antiquity of Purveyance, fol. 222.

Strepitus Judicialis, The Circumſtances of Noiſe and Croud, and other turbulent Formalities at a Proceſs or Trial in a publick Court of Juſtice. And therefore our wiſe Anceſtors did in many Caſes provide, that Right and Juſtice ſhould be done in a more private quiet Manner, *Sine* ſtrepitu judiciali.——— *Poſſint eos & eorum Succeſſores per omnem cenſuram Eccleſiaſticam ad omnium & ſingulorum præmiſſorum obſervationem abſque*

Articuli

Articuli seu Libelli petitione & quocunq; stropitu judiciali *compellere.* Paroch. Antiq. p. 344.

Stretward Was an Officer like our Surveyor of the Highways, or rather a Scavenger. It is mentioned in the *Monasticon*, 2 *Tom. pag.* 187. *Idem Comes dedit præfato Nigello constabulario le* Stretward *& Marketzeld.*

Stretteward. *Per* Streteward *Johannes Stanley, Ar. clamat quod Servientes pacis & Ministri sui infra Feodum de Aldford capere debent de qualibet fuga catallorum iv d.* Rot. Plac. in Itinere apud Cestriam, 14 H. 7. This Word is also found in several ancient Charters granted to the Bishops of *Hereford*, and registred in the *Black Book* there. See *Marketzeld.*

Strigliare. See *Torcare.*

Strip, *Strepitus*, Destruction, Mutilation, from the French *Estropier*, i. *Mutilare, strepitum & vastum facere, i.* To make *strip* and waste, or strop and waste. See *Estrepement.*

Strond Is a *Saxon* Word, signifying a Shore or Bank of a Sea, or any great River. In a Charter of King *Richard*, dated at *Canterbury* the 4th of *November*, in the First Year of his Reign, we find these Words, *Richardus Rex, &c. Notum facimus vobis nos concessisse, &c. Deo & sancto Albano Ecclesiæ suæ sancti Oswini de Tynemuth, cellæ sancti Albani & Monachis ibidem Deo servientibus omnes terras suas & omnes homines suos, cum sacha, soca,* Over strond & streme, on wode & felde, *Toll, Them & Grithburge, Hamsocne, Murdrum & Forestall, Danegeld, Infangenethef & Utfangenethef, Fleminefrenieth, Blodwit, Wrecke, &c.* And the Gl. ff. *in* 10. *Scriptores* interpreting the Words, *On strond & streme, on wode & feld*, saith,—— *Voces Anglicæ veteres & in antiquioris ævi chartis crebro repertæ Privilegium sapiunt, seu potius Privilegii latitudinem sive amplitudinem, & sic Latine legantur, in Littore, in Fluvio, in Sylva & Campo.*

Strumpet, *Meretrix*, Was heretofore used for an Addition, *Jur. præsentat, &c. quod Johannes de Mainwaring de Whatcroft de Com. Cest. Esq; Laurentinus de Warren de Davenham Esq; &c. Hugo de Sondebach, Yoman, Hopkin, Norman de Com. Cestr. Husbond-Knave, Willielmus le Birchwood de Clyve, Knave, cum plurimis aliis & Agnes Cawes de medio Wico de Com. Cestr.* Strumpet,—————— *Tali die domum Ranulphi Madocke, vi & armis, &c. fregerunt, &c.* Placit. apud Cestr. 6 H. 6. m. 2. in Dorso.

Stryk, The Eighth Part of a Seam or Quarter of Corn, a *Strike* or *Bushel.*—— *Solvent nomine decimarum molendini sex modios, alias sex* stryk *bladi prout molendum obvenerit eidem molendino.* Cartular. Rading. MS. fol. 116. a.

Stud. *Libere vendendi & emendi, tam in Cestria, quam in Comitatu & Wycis, ubi non fuit Lex ulla, omnia sine* Toll & Stud, *præter sal & equos, &c.* Mon. Angl. 2 par. fol. 187. b. A *Stud* or *Stode of Mares*, is a Company of Mares kept purposely for breeding Colts; from the Sax. *Stodmyra, i. e. Equa ad fœtum.*

Sturemannus. See *Stiremannus.*

Stuth.—————— *Per* Stuth *clamat esse quiet. de exactione pecuniæ a singulis villis,* ———— *Per Vicecom. Comit. Cestr.* Placit. in Itin. ibid. 14 H. 7. It is the same with *Sheriffs-tooth*; which see.

Subbarrare, i. e. *Arrhabone uxorem sibi disponsare:*

Quam sponsus subarat prius arrhabone Subarrat.

Florence of *Worcester* tells us, that King *Alfred* subarravit & *duxit* a Noblewoman of *Mercia*, *Anno* 868

Subdeacon Is an antient Officer in the Church: He is mentioned in the Apostolical Canons, *viz.* 42, 43. He was not made by Imposition of Hands, but by the Delivery of an empty Platter and Cup by the Bishop, and of a Pitcher, Bason, and Towel by the Archdeacon. His Office was to wait on the Deacon with the Linen on which the Body, *&c.* was conseerated, and to receive and carry away the Plate with the Offerings, and the Cup with the Wine and Water in it, *&c.* He is often mentioned in the Monkish Historians; and therefore I thought it proper to write so much of his Name and Office.

Subgruntæ, The Eaves of a House, *Tegulæ propendentes extra tectum domus ad parietum defensionem, ne imbribus corrumpantur.* Vocab. utriusque juris.

Subjugalis Is any Beast carrying the Yoke *Ad caudam* Subjugales *traxerunt imaginem Crucis.* Mat. Paris. Anno 1249.

Subjurnare, *i. e.* To stay or stop any Thing for a Day or more. *Canes* subjurnare, *homines vel equos ire vel mittere in exercitum.* Mon. 2 Tom. pag. 1045. Where *Canes subjurnare* signifies to feed Dogs for a Day.

Sublegerius, One who is guilty of Incest; from the Saxon *Syb*, *Cognatio*, and *Leger*, *Concubitus*, or rather from the Saxon *Sybleger*, *i. e. Incestus.*

Submarshal (*Submarescallus*) Is an Officer in the *Marshalsea*, who is Deputy to the *chief Marshal* of the King's House, commonly called the *Knight Marshal*, and hath the Custody of the Prisoners there. *Cromp. Jurisd. fol.* 104. He is otherwise called *Under-Marshal.*

Subnervare, To cut the Sinews of the Legs or Thighs, to Ham-string. It was a good old Custom in *England*, *Meretrices & impudicas mulieres* subnervare. *Vide* Osbernum de vita S. Dunstani, apud Whartoni Angl. Sacr. P. Q. p. 146.

Subornation, *Subornatio*, A secret or underhand preparing, instructing, or bringing in a false Witness, or corrupting or alluring to do such a false Act. Hence *Subornation of Perjury* mentioned in the Act of *General Pardon*, 12 *Car.* 2. *cap.* 8. is the Alluring to Perjury, *Subornation of Witnesses.* 32 *Hen.* 8. *cap.* 9. and 3 *par. Inst. fol.* 167.

Subpœna Is a Writ, whereby all Persons under the Degree of Peerage are called into Chancery, in such Case only where the Common Law fails, and hath made no Provision; so as the Party who in Equity hath Wrong, can have no ordinary Remedy by the Rules and Course of the Common Law. *West. Symbol. part* 2. *Tit.* Proceedings in Chancery, *sect.* 18. But Peers of the Realm in such Cases are called by the Lord Chancellor's, or Lord Keeper's Letters, giving Notice of the Suit intended against them, and requiring them to appear. There is also a *Subpœna ad testificandum*, for the Summoning of Witnesses as well in Chancery as other Courts. There is also a *Subpœna* in the Exchequer, as well in the Court of Equity there, as in the Office of Pleas. And these Names proceed from the Words in the Writ, which Charge the Party summoned to appear at the Day and Place assigned, *Sub pœna Centum Librarum.* See *Cromp. Juris. fol.* 33. and *Anno* 15 *Hen.* 6. *cap.* 4.

Subsidium Cathedraticum. See *Cathedratick.*

Subsidy, *Subsidium*, Signifies an Aid, Tax or Tribute, granted by Parliament to the King, for the

the urgent Occaſions of the Kingdom, to be levied of every Subject, according to the Rate of his Land or Goods, after Four Shillings in the Pound for Land, and Two Shillings Eight Pence for Goods. No Hiſtory mentions that the *Saxon* Kings had any *Subſidies* after the Manner of ours at preſent; but they had both Levies of Money and perſonal Services towards the Building and Repairing of Cities, Caſtles, Bridges, Military Expeditions, &c. which they called *Burghote*, *Brighote*, *Herefare*, *Heregeld* &c. But when the *Danes* harraſſed the Land, King *Ethelred* yielded to pay them for Redemption of Peace ſeveral great Sums of Money yearly. This was called *Danegeld*, for the Levying of which, every Hide of Land was taxed yearly at Twelve Pence, Lands of the Church only excepted, and thereupon it was after called *Hydagium*, and that Name remained afterward upon all Taxes and *Subſidies* impoſed upon Lands; for ſometimes it was laid upon Cattle, and then was termed *Horngeld*. The *Normans* called theſe ſometimes *Taxes*, ſometimes *Tallages*, other-whiles *Auxilia & ſubſidia*. The *Conqueror* had theſe *Taxes*, and made a Law for the Manner of their levying, as appears in *Emendationibus ejus*, *pag.* 125. *ſect. Volumus & firmiter*, &c. Many Years after the Conqueſt they were levyed otherwiſe than now, as every Ninth Lamb, every Ninth Fleece, and every Ninth Sheaf. 14 *E.* 3. *ſtat.* 1. *cap.* 20. Of which you may ſee great Variety in *Raſtall's Abridgment*, *Tit. Taxes*, *Tenths*, *Fifteenths*, *Subſidies*, &c. and 4 *Inſt. fol.* 26 & 33. Whence we may gather there is no certain Rate, but as the Parliament ſhall think fit. *Subſidy* is in our Statutes ſometimes confounded with *Cuſtoms*. 11 *H.* 4. *cap.* 7. See *Benevolence*, and 15 *Car.* 2. *cap.* 7.

Subſternium, Litter for a Horſe. *Gervaſe* of *Tilbury* mentions one that was fed with Bread in a Silver Manger, and had a Cuſhion ſtuffed with Feathers *pro Subſternio*. Du Cange.

Subſtitute, *Subſtitutus*, One placed under another to tranſact, or do ſome Buſineſs.

Suburbani Are Husbandmen. *Mon. Tom.* 2. *pag.* 969. *Et terram duarum bercariarum quam paſtores tenent, & ſex* Suburbanos *cum alodiis ſuis*, &c.

Succinum *Gemma eſt ex gummi arboris Gleſſariæ congelatæ, quam diximus appellari a Græcis electrum.* Of which *Juvenal.*

In cujus manibus ceu pinguia Succina *tritas*
Cernis Ephemeridas.

And *Martial*, *Incluſit tenuem* Succina *gemma feram.*

Succiſiones Arborum, The Croppings of Trees. *Et prædicta G. habebit* Succiſiones Arborum *ad includendum prædictum Meſſuagium*, &c. Charta Jo. Bayly, dat. 2 H. 5.

Sucking, *Per* Sucking, *hoc eſt fore quiet. de illis amerciamentis quando* le Burlimen, *id eſt, ſaperviſores del Ringyord, id eſt clauſus, quæ vocat. le* Chiminſildes *vel* Common Meddows, & *prænomit. fuerint ad imparcand. & faciend. clauſuras, illas ſimul cum vicinis ſuis, ille qui non venit ad talem prænomitionem, amerciatus erit ad pretium unius vomeris, Anglice.* a Sucke, *pretii quatuor denarii & hoc quotieſcunq; prænomit. non venerit.* Plac. in Itin. apud Ceſtriam, 14 H. 7.

Suda, *i. e.* A Ditch.

Suetta, *Secta*, Suit or Service done to a ſuperior Lord. From the French *Suivre*, *ſequi*, to follow.——— *Pro omnibus ſervitiis, curiæ ſectis*, ſuettis, *releviis*, &c. Paroch. Antiquit. pag. 262.

Sufferentia pacis, A Grant or Sufferance of Peace or Truce —— *Pro quadam* ſufferentia pacis *cum illis habenda per unum annum duratura.* Clauſ. 16 E. 3. p. 2. m. 2.

Suffragan, *Suffraganeus*, Is a titular Biſhop appointed to aid and aſſiſt the Biſhop of the Dioceſe. *Co.* 2 *Inſt. fol.* 79. calls him a *Biſhop's Vicegerent. Spelman* ſays, *Dicuntur Epiſcopi qui Archiepiſcopo* ſuffragari *& aſſiſtere tenentur*, & ſuffraganei *dicuntur quia eorum* ſuffragiis *cauſa Eccleſiaſticæ judicantur.* It was enacted, (*Anno* 26 *H.* 8. *cap.* 14.) that it ſhould be lawful for every Dioceſan, at his Pleaſure, to elect Two honeſt and diſcreet ſpiritual Perſons, within his Dioceſe, and to preſent them to the King, that he might give the one of them ſuch Title, Stile, Name, and Dignity of ſuch of the Sees in the ſaid Statute ſpecified, as he ſhould think convenient, &c. and that every ſuch Perſon ſhall be called *Biſhop Suffragan* of the ſame See, &c. *Cambden* in his *Britan.* Tit. *Kent*, ſpeaking of the Archbiſhop of *Canterbury's Suffragans*, ſays, When the Archbiſhop is buſied in weightier Affairs, they manage for him Matters that pertain to Order only, and not to the Epiſcopal Juriſdiction. Others call them *Subſidiary Biſhops*; whoſe Number is limited by the ſaid Statute.

Suit or **Suite**, *Secta*, Signifies a following another, but in divers Senſes. The Firſt is a *Suit in Law*, and is divided into *real* and *perſonal*, and is all one with *Action real and perſonal.* Kitchin, *fol.* 74. Secondly, *Suit of Court*, or *Suit-ſervice*, is an Attendance that Tenants owe to the Court of their Lord. 7 *H.* 7. *cap.* 2. Thirdly, *Suit-Covenant* is, when your Anceſtor hath *covenanted* with mine *to ſue* to his Court. Fourthly, *Suit-Cuſtom*, when I and my Anceſtors have been ſeized of your own and your Anceſtors *Suit*, Time out of Mind. Fifthly, *Suit real or regal*, when Men come to the Sheriffs Turn or Leet. See *Leet.* Sixthly, *Suit* ſignifies the following one in Chace, as *Freſh Suit. Weſtm.* 1. *cap.* 46. Laſtly, it ſignifies a Petition made to the King, or any great Perſon.

Suit of Court, That is *Suit to the Lord's Court*, is that Service which the Feudatory Tenant was bound to do at the Lord's Court. At firſt it was expreſly mentioned in the Grant how often thoſe Courts ſhould be held. This appears by *Fleta*, *lib.* 2. *cap.* 71. *par.* 14. *Qui faciant Sectas ad Curiam Domini & quot Sectas per Annum.* Sometimes one or more, but never exceeding Three. *Thorn* mentions Two, *viz. Et faciant ſectam ad Curiam Cantuariæ bis per Annum, ſcilicet, in feſto Michaelis & Paſchæ.* But all the Lord's Tenants were not bound to attend his Courts, but only thoſe to whom their Eſtates were granted upon that Condition: But every Man was bound to attend the Sheriff's Turn twice in every Year; which ſee in *Secta Regalis.* And if the Inheritance, by Reaſon whereof the Tenant was bound to attend only at one Court, did deſcend to Co-heirs, he who had *capitalem Partem* was bound to attend the Lord's Court both for himſelf and all the Co-heirs.

Suit of the King's Peace, *Secta pacis Regis*, Is the Purſuing a Man for Breach of the *King's Peace* by Treaſons, Inſurrections, or Treſpaſſes.

6 *R.* 2. *Stat.* 2. *c.* 1. and 27 *R.* 2. *c.* 15. and 5 *H.* 4. *cap.* 15.

Suit-silver. See *Sute-silver.*

Sulcus aquæ, A small Brook or Stream of Water, called in some Places a *Sike*, in *Essex* a *Doke.*—— *In fine inferiore ipsius meræ descendit quidam* sulcus *fluens inter medium de Standford-more, &c.* Paroch. Antiq. p. 531.

Sulherp, (from the Sax. *Suth, i. e. Aratrum,*) Signifies a Plough-land. 1 *Inst. fol.* 5. *a.*

Sulinga, Sullinga, A *Swoling*, A Plough-land; from the Saxon *Sul*, a Plough. *Offa Rex totius Angliæ dedit Janiberto Archiepiscopo ad Ecclesiam Christi Dorobern. terram trium acrarum, quam Cantiani Anglice vocant tres* Swolinges. *Mon. Angl. Vol.* 1. *pag.* 19.

Sulive, A Beam. From the Saxon *Syl, Columna.* It is mentioned about the Building Monasteries and Churches in many Authors; and is that which we call a Summer. *Trabs Summaria, i. e. Præcipua.*

Sullery Denotes a Plough-land, as Mr. *Agar* interprets it out of *Domesday.*

Sullingata, The same with *Swolings. Et nunc defendebatur illud manerium pro una* Sullingata *terræ.* Thorn. pag. 1931.

Sullings, By Sir *Edw. Coke*, (in 1 *Inst. fol.* 4. *b.*) are taken for *Elders*, but according to Mr. *Agar*'s Interpretation, *Sullings* are in *Domesday* Book taken for *Alders, i. e. Alni arbores.* Bnt *quære*; for *Sullings* are the same with *Swolings*, which see.

Sumage, *Sumagium & Summagium*, A Horse-load, also Toll for Carriage on Horseback. *Cromp. Jur. fol.* 191. For where the Charter of the Forest, *cap.* 14. hath these Words, For a Horse that bears loads every Half-year a Halfpenny: The Book called *Pupilla Oculi*, useth these Words, *Pro uno equo portante* summagium, *per dimidium annum obolum.* Chart. E. 1. num. 7. It is otherwise called a *Seame:* And a *Soame* in the Western Parts is a Horse-load.

Sumer-hus-silver. *Homines quoque de walda debent unam domum æstivalem, quæ Anglice dicitur* Sumerhus, *invenire, aut viginti solidos dare.*—— Custumale de Newington juxta Sitingburn, MS. From whence it may be inferred, that the Lords or Owners of the Dens and Districts of Wood in the Weald of *Kent*, used to visit those Places in Summer Time, when for their better Accommodation, their Under-tenants were bound to prepare little Summer Huts or Houses for their Reception, or else pay a Composition in Money.

Sumeter del Roy. Perhaps the King's Sumpter-man. q.

Summa, *Saugma, Sauma*, French *Saume, Somme.* Properly any Load or Burden of a Horse. In old Charters we frequently find *Sauma vini*, and *summa ligni*, for a Horse-load of Wine or Wood. Mr. *Somner* believes, that this Sort of Burden gave Name to a *Sumpter-Horse*, Latin *Equus saumarius*, French *Somiere.*—— *Summa frumenti*, Sax. *Seam* and *Seam-byrden*, was the Quantity of Eight Bushels, or a Quarter, still called a *Seam* in *Kent*, and other South Parts. *Summa frumenti*, and *Sumnia bladi*, is frequent in our old Writings. Summa vini.—— *Md. quod Anno Domini* 1242. *sedata est discordia, quæ orta fuit inter Dominum Robertum le Wafre mil. ex parte una & Dominum Reginaldum Priorem Brecon. ex altera, super quodam angulo terræ de Hundret de*——— *dabit unam* Summam vini——— *Et si forte delinquens non habet unde solvat, jacebit in Carcere Domini sui per unum mensem, &c.* A Seam or Horse-load of Wine.

Summa Regia, *Summa media, &c.* The different Measure of the Seam or Quarter of Corn, is thus usefully noted in the old Cartulary of *Peterburgh* called *Swafham.*———Summa Regia, *per quam emitur & venditur in foro*; Summa media, *per quam Præpositi metunt apud Burgum.* Summa de granario, *per quam facta liberatio de exitu pistrini.* Summa quarta, *per quam datur* Metecorn *infra curiam.* Summa Regia *excedit veterem summam in tanta portione quod septem* summæ Regiæ *faciunt octo* summas veteres. *Item septem* summæ Regiæ *faciunt duodecim* summas de granario. *Swafham, MS. fol.* 220.

Summage. See *Sumage* and *Seme.*

Summarius equus, (see *Sagmarius, &c.*) A Horse to carry Burthens. From *Summa, Onus.*

Summoneas Is a Writ Judicial, of great Diversity, according to the divers Cases wherein it is used, which see in the Table of the *Register Judicial.*

Summoner, *Summonitor*, Is a Petty Officer, that calls or cites a Man to any Court; these ought to be *boni homines*, that is, in *Fleta*'s Judgment, *Liberi homines & ideo boni, quia terras tenentes, quod sint coram talibus Justiciariis ad certos diem & locum, secundum mandatum Justiciariorum vicecomiti directum, parati inde facere recognitionem*, lib. 4. cap. 5. sect. *Et cum. Summonitores* were properly the *Summoners* or Apparitors, who cited in Delinquents to appear at a certain Time and Place, to answer any Charge or Complaint exhibited against them. Two Persons were joined in this Office, who in Citations from a superior Court, were to be Peers or Equals of the Party cited. At least the Barons were to be *summoned* by none under the Degree of Knights. Hence *Summonitores ordinarii, legales, boni, &c.*——— Summone *ibidem per bonos* Summonitores *eundem Thomam quod sit coram nobis in crastino S. Johannis Baptistæ responsurus ad hoc quod proponetur.* Paroch. Antiquit. pag. 177. Hence in the Diocese of *Canterbury*, the Apparitors in each Deanery are called the *Sumners*, which was their Title, we know, in *Chaucer*'s Time.

Summonitores Scaccarii. Those Officers who assisted in collecting the King's Revenues, by citing the Defaulters into the Court of Exchequer. ——*De scutagio quod per* Summonitores scaccarii *exigis.* Paroch. Antiq. p. 200.

Summons, *Summonitio*, is with us as much as *Vocatio in jus*, or *citatio* among the *Civilians*; And thence is our Word *Sumner*, which in *French* is *Somoneur, i. vocator, monitor. Summons* of the Exchequer. 3 *Edw.* 1. *cap.* 19. How *Summons* is divided, and what Circumstances it has to be observed, see *Fleta, lib. lib.* 6. *cap.* 6. 7.

Summons in terra petita, *Kitchin, fol.* 286. Is that *Summons* which is made upon the Land, which the Party (at whose Suit the *Summons* is sent forth) seeks to have.

Summons ad Warrantizand. And *sequatur sub suo periculo.* Dyer, f. 69. numb. 35. *Summoneas ad Warrantizandum* Is the Process whereby the Vouchee is called. See *Coke on Littl. fol.* 101. *b.*

Sumptuary Laws Are Laws made to restrain Excess in Apparel, and prohibit costly Clothes; of which we have heretofore had many in *England*, but all repealed. *Anno* 1 *Jac.* See 3 *Inst. fol.* 199.

Super-

Superſodere, For *Superſidere*, *i. e.* to give too much Credit to any Thing.

Super-inſtitution, *Super-inſtitutio*, One *Inſtitution* upon another; as where *A.* is admitted and inſtituted to a Benefice upon one Title, and *B.* is admitted, *inſtituted*, &c. by the Preſentment of another. See *Hutchin's* Caſe in *Co. Rep.* 2. *par. fol.* 463.

Super-jurare. When a Criminal endeavoured to excuſe himſelf by his own Oath, or by the Oath of One or Two Witneſſes, and the Crime was ſo notorious that he was convicted by the Oaths of many more Witneſſes; this was called *Super-jurare.* In *Leg. H.* 1. *cap.* 47. *Et qui culpam exigit de fure occiſo, eat ſe tertio, ut duo ſint de cognatione patris, & tertius de cognatione matris, & juret quod in cognato ſuo nullum factum erat pro quo de vita forisfactus eſſet, & eant alii cum duodecim & Super-jurent eum in contaminationem, ſicut ante dicebatur.* Leg. Athelſtan. cap. 16.

Superoneratione paſturæ Is a Writ Judicial, that lies againſt him who is impleaded in the County, for the Overburdening of a Common with his Cattle, in Caſe where he was formerly impleaded for it in the County, and the Cauſe is removed into the King's Court at *Weſtminſter.*

Super Prerogativa Regis Is a Writ which lay againſt the King's Widow, for marrying without his Licence. *F. N. B. fol.* 173.

Superſedeas Is a Writ in divers Caſes, and ſignifies in general a Command to ſtay, or forbear the Doing of that which ought not to be done, or in Appearance of Law were to be done, were it not for that whereon the Writ is granted. For Example, A Man regularly is to have Surety of Peace againſt him of whom he will ſwear he is afraid, and the Juſtice required hereunto cannot deny him; yet if the Party be formerly bound to the Peace, either in Chancery, or elſewhere, this Writ lies, to ſtay the Juſtice from doing that which otherwiſe he ought not to deny. See the Table of the *Reg. Orig.* and *Judic.* and *F. N. B. fol.* 236. For preventing the *Superſeding* of Executions, ſee the Statute 16, 17 *Car.* 2. *cap.* 8.

Superſedere Is a Word uſed in the Laws of *Adelſtan*, *Canutus*, and in *Bracton*; and ſignifies to neglect to appear in Court, and plead. *Si quis Gemotum adire* Superſedeat, *ter emendet overherniſſam.* Leg. Adelſtan. cap. 25. Leg. Canuti, 2 Par. c. 26. Bracton, lib. 5. cap. 1.

Super Statutum Edwardi 3. verſus Servantes & Laboratores, Is a Writ that lies againſt him who keeps my *Servants*, departed out of my Service, againſt Law. *F. N. B. fol.* 167.

Super ſtatuto de York, quo nul ſerra Miteller, &c. Is a Writ lying againſt him that uſes Victualling either in Groſs, or by Retail, in a City or Borough Town, during the Time he is Mayor, &c. *F. N. B. fol.* 172.

Super ſtatuto 1 *E.* 3. *cap.* 12, 13 Is a Writ that lay againſt the King's Tenant holding in Chief, which aliened the King's Land without his Licence. *F. N. B. fol.* 175.

Super ſtatuto tacto pour Seneſchal & Marſhal de Hoy, &c. Is a Writ lying againſt the Steward, or *Marſhal*, for holding Plea in his Court of Free-hold, or for Treſpaſs or Contracts not made within the King's Houſhold. *F. N. B. fol.* 241.

Super ſtatuto de Articulis Cleri, *Cap.* 6. Is a Writ againſt the Sheriff or other Officer, that diſtrains in the King's Highway, or in the Glebeland, anciently given to Rectories. *F. N. B. fol* 173.

Superviſor Is a *Latin* Word ſignifying a Surveyor or Overſeer: It was anciently and ſtill is a Cuſtom among ſome, eſpecially of the better Sort, to make a *Superviſor* of a Will, but it is to little Purpoſe; however the Intention might be good, that he ſhould *ſuperviſe* the Executor, and ſee the Will truly performed.

Surveyor, *Or as now* Surveyor of the Highways. *Anno* 5 *Eliz. cap.* 13. See *Surveyor.*

Superficies Is the Surface or Top of the Earth, and whatſoever is upon the Face thereof. *Vocab. utriuſq; juris.*

Supplicavit Is a Writ iſſuing out of the Chancery, for taking the Surety of Peace againſt a Man: It is directed to the Juſtices of Peace of the County and the Sheriff, and is grounded upon the Statute, *Anno* 1 *E.* 3. *cap.* 16. which ordains, that certain Perſons in Chancery ſhall be aſſigned to take Care of the Peace. See *F. N. B. fol.* 80. This Writ was of old called *Breve de minis*, as *Lambard* ſaith in his *Eirenarcha*, out of the *Regiſt. Orig. fol.* 88.

Surcharge of the Foreſt, *Superoneratio Foreſtæ*, Is, when a Commoner puts on more Beaſts in the *Foreſt* than he has a Right to. *Manwood, part* 2. *cap.* 14 *num.* 7. And is taken from the Writ *De ſecunda ſuperoneratione Paſturæ*, in the ſame Senſe, when the Commoner *ſurchargeth.* 3 Inſt. fol. 293.

Sur cui in vita Is a Writ that lies for the Heir of that Woman, whoſe Husband has aliened her Land in Fee, and ſhe brings not the Writ of *Cui in vita* for the Recovery of her own Land; in this Caſe her Heir may have this Writ againſt the Tenant after her Deceaſe. *F. N. B. fol.* 193.

Surety of the Peace, *Securitas Pacis*, (ſo called, becauſe the Party that was in Fear is thereby ſecured,) Is an acknowledging of a Bond to the Prince, taken by a competent Judge of Record, for the *Keeping of the Peace.* This *Peace* may a *Juſtice of the Peace* command, either as a Miniſter, when he is commanded thereto by a higher Authority; or as a Judge, when he doth it of his own Power, derived from his Commiſſion. Of both theſe, ſee *Lamb. Eiren. lib.* 2. *cap.* 2. *pag.* 77. See *Peace.* See *Suplicavit. Securitas de bono geſtu, Surety* of the good Abearing differs from this, that whereas the *Peace* is not broken without an Affray, or ſuch like; the *Surety de bono geſtu* may be broken by the Number of a Man's Company, or by his or their Weapons and Harneſs.

Surgeon, *Chirurgus*, May be deduced from the French *Chirurgeon*, ſignifying him that dealeth in the mechanical Part of Phyſick, and the outward Cures performed with the Hand; and therefore is compounded of Two *Greek* Words, *viz.* χειρ *manus*, ἔργον, *opus:* And for this Cauſe are they not allowed to miniſter inward Medicine. See the Statute 32 *H.* 8. *cap.* 4. and *Polton's Abridgment*, Tit. *Surgeons.*

Sur lui jur, *i. e* Upon his Oath. *Leg. Will.* 1. *cap.* 16.

Surmicha, A Loaf of coarſer white Bread, ſuch as in *Kent* is called *Ravel-Bread*, *Conventus de Wartre concedit Joanni de Torp qualibet ebdomada* 14. *albas Michas conventuales & 14 galones melioris cerviſiæ —— & ſervitoribus ſuis* 4. *albas Michas &* 13. *magnas*

magnas ſurmichas, *item* 4 *panes baſtard.* 28 Mart. 1309. Ex Regiſtr. Grenfeld Archiepiſc. Ebor. MS. f. 119. Perhaps *Sura micha* was only leaven Bread; there is now a Sort of Oaten Cake in the North called *Sour-Cake.*

Surpluſage, *Surpluſagium*, Cometh of the Fr. *Surplus*, *i. corollarium*; and ſignifies in the Common Law a Superfluity, or Addition, more than needeth, which ſometimes is a Cauſe that a Writ abateth. *Broke*, Tit. *Nugation and Superfluity*, *fol.* 100. *Plowden*, *fol.* 63. *Dives* and *Maningham's* Caſe. It is ſometimes alſo applied to Matter of Account, and denotes a greater Diſburſement than the Charge of the Accountant amounteth unto; *Satisfaciant in omnibus quod conjunctum fuerit per prædictum computum inter eos de* ſurpluſagio *recepto de averiis venditis*, &c. Ordinatio de mariſco Romeneienſi, pag. 38.

Surrebutter Is a Second *Rebutter*, or a *Rebutting* more than once. See *Rebutter.*

Surrejoinder Is a Second Defence of the Plaintiff's Action, oppoſite to the Defendant's Rejoinder. *Weſt. Symbol. part* 2. Tit. *Supplications*, *ſect.* 57. and therefore *Hotoman* calls it *Triplicationem, quæ eſt ſecunda actoris defenſio contra rei duplicationem oppoſita.*

Surrender, *Surſum-redditio*, Is an Inſtrument in Writing, teſtifying with apt Words, that the particular Tenant of Lands or Tenements for Life, or Years, doth ſufficiently conſent and agree, That he which has the next or immediate Remainder or Reverſion thereof, ſhall alſo have the preſent Eſtate of the ſame in Poſſeſſion, and that he yields and gives up the ſame unto him: for every *Surrenderer* ought forthwith to give Poſſeſſion of the Things *ſurrendered. Weſt. Symbol. part* 1. *lib.* 2. *ſect.* 503. where are ſeveral Precedents: There may be alſo a *Surrender* without Writing: And therefore there is ſaid to be a *Surrender in Deed*, and a *Surrender in Law*; A *Surrender in Deed* is that which is really and ſenſibly performed. A *Surrender in Law* is in Intendment of Law by Way of Conſequent, and not actual. See of this *Perkins*, *cap.* 9. & *fol.* 606. As if a Man have a Leaſe of a Farm, and during the Term, he accept of a new Leaſe, this Act is in Law a *Surrender* of the former. *Co. 6 Rep. fol.* 11. There is alſo a *cuſtomary Surrender* of the Copyhold-Land, for which ſee *Coke ſup. Littleton*, *ſect.* 74. And a *Surrender* may be of Letters Patent to the King, to the End he may grant the Eſtate to whom he pleaſes.

Surrogate, *Surrogatus*, One that is ſubſtituted or appointed in the Room of another, moſt commonly of a Biſhop, or of a Biſhop's Chancellor.

Surſize, *Superſiſa*, 32 *H.* 8. *ca.* 48. Seems to be an eſpecial Name uſed in the Caſtle of *Dover*, for ſuch Penalties and Forfeitures as are laid upon thoſe that pay not their Duties or Rent for *Caſtleward* at their Days. *Bracton* hath it in a general Signification, *lib.* 5. *tract.* 3. *cap.* 1. *num.* 8. and *Fleta*, *lib.* 6. *cap.* 3. *in princ.*

Surveyor, *Superviſor*, Is a *French* Word compounded of *ſur*, *i. ſuper* and *voir*, *cernere*, *videre.* It ſignifies with us, one that has the Over-ſeeing or Care of ſome great Perſon's Land or Works. As the *Surveyor general* of the King's Manors. *Cromp. Jur. fol.* 39. And in this Senſe it is taken, 33 *H.* 8. *cap.* 39. where there is a Court of *Surveyors* erected: And the *Surveyor* of the Wards and Liveries. But he is taken away with the Court of Wards and Liveries, by the Statute made *Anno* 12 *Car.* 2. *cap.* 24.

Surveyor of the King's Exchange, 9 *H.* 5. *Stat.* 2. *c.* 4. Was an Officer whoſe Name ſeems in theſe Days to be changed into ſome other; for there is none ſuch now, or elſe the Office is now diſuſed.

Survivor, From the French *Survive*, *i. ſupereſſe*, ſignifies the longer Liver of Two Joint-tenants. See *Bro.* Tit. *Joint-tenants*, or of any Two joined in the Right of any Thing.

Sus, *Unum fuit Machinamentum, quod noſtri* Suem, *veteres vineam vocant, quæ machina levibus lignis colligata, teſto tabulis cratibuſq; contexto, lateribus crudis coriis communitis, protegit in ſe ſubſidentes, qui quaſi more* Suis *ad murorum ſuffodienda penetrant fundamenta.* Will. Malmsbur. Hiſt. lib. 4.——*Præparare fecerant variarum argumenta machinarum. Alii* Sues *roſtratas, alii Contos, alii* Sues, *ſive quodcunque genus vel prius viſum vel tunc excogitatum.* Ricardi Regis Iter Hieroſol. cap. 59. Let the Etymologiſts conſider, whether the large Tubs with Two Ears, carried on Mens Shoulders by a Pole or large Stick, be not hence called *Sows.* and the Sticks whereon they are carried *Sow ſtangs.*

Suſana terra Is Land worn out with ploughing. It is mentioned in *Thorn de terra menſurata*, *viz. Summa terræ arabilis* 567 *acræ*, *ſumma totius cum* terra Suſana 2149. *acræ*, &c. and in ſeveral other Places there.

Suſcematæ Carnes, Surfeited Meat: It is mentioned in *Fleta*, *lib.* 2. *cap.* 12. *par.* 27. *De coquis & carnificibus carnes venditantibus* ſuſcematas, *vel de marina vel ſemicocta*, &c. It is called in *Briton*, *pa.* 33. *Cars ſurfanes.*

Suskin. See *Galli-Half-pence.*

Suſpenſion or Suſpence, *Suſpenſio*, Is a Temporal Stop of a Man's Right; as when a Seigniory, Rent, &c. by Reaſon of the Unity of Poſſeſſion thereof, and of the Land out of which they iſſue, are not *in eſſe* for a Time, & *tunc dormiunt*, but may be revived or awaked, and ſo differs from Extinguiſhment, which dies for ever. *Bro.* Tit. *Extinguiſhment and Suſpenſion*, *fol.* 314. and *Co. on Lit. lib.* 3. *cap.* 10. *ſect.* 559. *Suſpenſion* is alſo uſed ſometimes by us, as it is in the Canon Law *pro minori Excommunicatione*, *Anno* 24 *H.* 8. *cap.* 12. See *Vocab. utriuſq; juris.*

Suſpenſio ab officio Is when a Miniſter for a Time is declared unfit to execute his Office.

Suſpenſio a Beneficio Is when a Miniſter for a Time is deprived of the Profits of his *Benefice.*

Suſpiral, From the Latin *ſuſpirare*, *i. ducere ſuſpiria*) And ſeems to be a Spring of Water paſſing under the Ground toward a Conduit or Ciſtern. 35 *H.* 8. *cap.* 10. And indeed the Word is an abſolute *French* Word; for *Suſpiral* in that Tongue ſignifies *ſpiramentum Cavernæ*, the Mouth of a Cave or Den.

Sute. See *Suit.*

Sute-ſilver Is a ſmall Rent, or Sum of Money which, if paid, does exenſe the Freeholders from the Appearance at the *Court-Barons* within the Honour of *Clun* in *Shropſhire.*

Suthdure, *i. e.* The *South* Door of a Church: It is mentioned in *Gervaſ. Dorob. de reparatione Cantuar. Eccleſiæ*, and it was the uſual Place where Canonical Purgation was performed; that is, where the Fact could not be proved by ſufficient

Evidence, the Party accuſed came to the *South Door* of the Church, and there in the Preſence of the People, made Oath, that he was innocent. This was called *Judicium Dei*, and ſo was the vulgar Purgation, which was by Fire or Water: *Oſtium Eccleſiæ quod antiquitus ab Anglis & nunc uſque* Suthdure *dicitur, in quibus omnes querelas totius regni, quæ in hundredis & Comitatibus, uno vel pluribus, vel certe in Curia Regis, non poſſunt legaliter diffiniri, finem inibi ſicut in Curia Regis Summa, ſortiri debere diſcernitur.* Gervaſ. Dorob. de reparatione Eccleſiæ Cantuar. It is for this Reaſon, that Porches are built at the *South Door* of the Church.

Suwelſilver, *Inter antiquas conſuetudines Abbatiæ de Sancto Edmundo* ——— *Apud grangias per totum annum ſunt xiii. famuli capientes xiii. metecorns* —— *& ad quemlibet metecorn datur ſingulis unus denarius ad* Suwelſilver, *& eſt ſumma de* Suwelſilver *per annum ix ſol.* ——— Ex Cartular. S. Edmundi, MS. fol. 322.

Swan, *Cygnus*, He that ſtealeth the Eggs of *Swans* out of their Neſts, ſhall be impriſoned for a Year and a Day, and fined according to the King's Pleaſure; one Moiety to the King, and the other to the Owner of the Land where the Eggs were ſo taken; and it was a Cuſtom in antient Time, that he which ſtole a *Swan* in an open and common River, lawfully marked, the ſame *Swan*, (if it may be) or another *Swan* ſhall be hanged in a Houſe by the Beak; and he which ſtole it, in Recompence thereof, compelled to give the Owner as much Corn as may cover all the *Swan*, by putting and turning the Corn upon the Head of the *Swan*, until the Head of the *Swan* be covered with Corn. See *Co.* 7 *Rep.* Caſe of *Swans*.

Swan-herd. See *King's Swan-herd*.

Swanimote or **Swainmote**, (*Swainmotus*) From the Saxon *Swang*, *i. e.* (as we now call our Ruſticks) a Country *Swain*, a *Boclandman*, a Free holder, and *Gemote*, *i. e. Conventus*; (the Saxon *g* being uſually turned into *i*, or *y*) ſignifies a Court touching Matters of the Foreſt, and held by the Charter of the Foreſt Thrice in the Year, before the Verderors as Judges. *Anno* 3 *H.* 8. *cap.* 18. What Things are inquirable in the ſame, you may read in *Cromp. Juriſd. fol* 108. And it is as incident to a Foreſt, as a Court of Pie-powder to a Fair; *Nullum* Swain-motum *de cætero teneatur, in Regno noſtro niſi ter in Anno, viz. in Principio quindecim dierum ante feſtum ſancti Michaelis, &c. circa feſtum ſancti Martini, & initio quindecim dierum ante feſtum ſancti Johannis Baptiſtæ, &c.* Charta de Foreſta tam Regis Johan. quam Hen. 3. cap. 9. See 4 *Inſt. fol.* 289. See *Kennet's Gloſſary*.

Swarff-Money, *The* Swarff-Money *is one Penny Hal-penny, it muſt be paid before the Riſing of the Sun; the Party muſt go Thrice about the Croſs, and ſay the* Swarff-money, *and then take Witneſs, and then lay it in the Hole: And when you have ſo done, look well that your Witneſs do not deceive you: For if it be not paid, you give a great Forfeiture,* 30 s. *and a white Bull.* This Expoſition was found in an old MS. containing the Rents due to the *Catesbyes* in *Lodbrooke*, and other Places in *Warwickſhire*; but ſuppoſed to be miſtaken, or to ſignify the ſame with *Warth-Money*. See *Ward-penny*.

Swepage Is the Crop of Hay got in a Meadow, called alſo *the Swepe* in ſome Parts of *England*. *Co. on Lit. fol.* 4.

Swaþa, Sax. *Swath*, a *Swathe*, or as in *Kent* a *Sweath*, in ſome Parts a *Swarth*, *i. e.* a ſtraight Row of cut Graſs or Corn, as it lies after the Scithe at firſt Mowing of it. A *Swathe* of Meadow was a long narrow Slip of Ground, like a *Selion* in arable Land. *William Barward* ſold his Part of Five *Swaths* in a Meadow called *Bikemore* ——— *duæ* Swaths *dicti prati jacent ut ſequitur* ——— *& duæ* Swathes *apud Mathamms*. Paroch. Antiq. pag. 399. Hence in the North, a *Swath-Bank* is a *Swarth* of new cut Graſs, where a green *Swarth* or Furrow among arable Land is called a *Swang*.

Swoling or **ſuling of Land**, *Sulinga, ſolinga*, vel *ſwolinga terræ*, in Saxon *Sulung*, from *ſul* or *ſuth*, *aratrum*; as to this Day in the weſtern Parts, a Plow is called a *Sul*, and a Plow-ſtaff a *Sulpaddle*. It is the ſame with *Carucata terræ*, that is, as much as one Plow can till in a Year: A Hide of Land, though others ſay it is an uncertain Quantity. ——— *Dedit etiam idem inclytus Rex Willielmus* (Conqueſtor) *eidem Eccleſiæ de* Bello *in Cantia, Regale Manerium, quod vocatur* Wy, *cum omnibus appendiciis ſuis ſeptem* Swolingarum, *id eſt, Hidarum, ex ſua Dominica Corona, cum omnibus libertatibus & regalibus conſuetudinibus, &c.* Rentale MS. de Wy tempore Ven. Patr. Tho. Ludlowe Abbatis, fol. 1. ——— *Terram trium aratrorum, quam Cantiani Anglice dicunt* Three Swolings. Charta pervetuſta Eccleſ. Cantuar. de qua vide Somnerum in Antiquitat. loci, pag. 211. This in *Selden's Titles of Honour, fol.* 636. is written *Swillinga*.

Sworn Brothers, *Fratres jurati*. Perſons who by mutual Oath covenanted to ſhare each the other's Fortune. ——— *Statutum eſt quod ibi debent populi omnes & gentes univerſæ ſingulis annis, ſemel in anno ſcilicet, convenire, ſcilicet in capite Kalendarum Maii, & ſe fide ſacramento non fracto ibi in unum & ſimul conſœderare & conſolidare, ſicut conjurati Fratres.* Leg. Edw. Conf. cap. 35. In any notable Expedition to invade and conquer an Enemy's Country, it was the Cuſtom for the more eminent Soldiers of Fortune, to engage themſelves by reciprocal Oaths to ſhare the Reward of their Service. So in the Expedition of Duke *William* into *England*, *Eudo* and *Pinco* were *Sworn Brothers* and Co-partners in the Eſtate which the Conqueror allotted to them. So were *Robert de Oily* and *Roger de Iveri* ——— *Robertus de Oleio & Rogerus de Iverio Fratres jurati, & per fidem & ſacramentum conſœderati venerunt ad conqueſtum Angliæ*. Paroch. Antiquit. pag. 57. No Doubt this Practice gave Occaſion to our Proverb of *Sworn Brothers*, and *Brethren in Iniquity*, becauſe of their dividing Plunder and Spoil.

Syb and **ſom**, *Pax & ſecuritas*, And accordingly we read in the Laws of King *Canutus*, *cap.* 17. *Eallum Criſtenum Mannum* ſyb, ſom *gemene*, that is, *Omnibus Chriſtianis* Pax & ſecuritas *communis eſto*.

Sylva cædua, Wood under Twenty Years Growth; Coppice wood. See the Statute 45 *E.* 3. *cap.* 3. It is otherwiſe called in Law-French *Subbois*. 2 *Inſt. fol.* 642.

Symbolum, (*Gr.*) Is the Apoſtles Creed; in Latin *Collatio*, becauſe the Catholick Faith was by them *in unum collata*: It is often called by this Name in our Hiſtorians, and thus deſcribed in the following Verſes, which for their Curioſity I have tranſcribed.

Articuli fidei ſunt bis ſex corde tenendi,
Quos Chriſti Socii docuerunt pneumate pleni;
Credo Deum Petrus inquit, ego cuncta creantem,
Andreas dixit, credo Jeſum ſore Chriſtum;
Conceptum, natum Jacobus, paſſumque Johannes,
Infernos, Philipus, fregit, Thomaſque, revixit,
Scandit, Bartholomæus, veniet cenſere, Mathæus,
Pneuma, minor Jacobus, Symon, peccata remittit,
Reſtituet, Judas, carnem, vitamque, Mathias.

Syncopare, *i. e.* To cut his Words ſhort, to pronounce them ſo as not to be underſtood; the Word is uſed in ſeveral of our Eccleſiaſtical Councils and Synods. *Ita quod ex feſtinatione nimia verba non præcidantur vel* ſyncopentur. *Concilium Sarisb. cap.* 36. *Synod. Wigorn. cap.* 10.

Syndicus, *i. e.* A Patron or Advocate: It is mentioned in *Mat. Pariſ. Anno* 1245. Syndicus *omnium Chriſtianorum terræ Sanctæ, &c.*

Synod, *Synodus*, A Meeting or Aſſembly of Eccleſiaſtical Perſons concerning Religion, of which there are Four Kinds: 1. *General*, where Biſhops, *&c.* meet of all Nations. 2. *National*, where thoſe of one Nation only come together. 3. *Provincial*, where they of one only Province meet. 4. *Dioceſan*, where thoſe of but one Dioceſe meet. See *Convocation*, which is all one with a *Synod*, only the one is a *Greek*, and the other a *Latin* Word. Our *Saxon* Kings uſually called a *Synod*, or mixed Council, conſiſting both of Eccleſiaſticks and the Nobility, Three Times a Year; which was not properly called a *Parliament* till *Henry* the Third's Time. See *Parliament*.

Synodal, *Synodale*, Is a Tribute in Money, paid to the Biſhop, or Archdeacon, by the inferior Clergy at *Eaſter* Viſitation; and it is called *Synodale quia in* ſynodo *frequentius dabatur.* The Impropriation of *Derehuit in Com. Glouc.* pays yearly 7 *s.* 9 *d. pro* Synodalibus *& Procurationibus.* Pat. 20 July 34 H. 8. *Et quod ſint quieti a* Synodalibus *& ab omni Epiſcopali conſuetudine excepto denario beati Petri.* Mon. Angl. 2 par. fol. 276. See he *Hiſtorical Diſcourſe of Procurations and* Synodals, *pag.* 66, *&* 98. Theſe are called otherwiſe *Synodies* in the Statute of 32 *Hen.* 8. *cap.* 16. yet in the Statute of 25 H. 8. *cap.* 19. *Synodals Provincial* ſeem to ſignify the Canons or Conſtitutions of a *Provincial Synod.* And ſometimes *Synodale* is uſed for the *Synod* it ſelf. See *Dugd. Warwickſhire, fol.* 126. and *Spelman de Concil.* 1 *Tom. pag.* 529.

Synodales teſtes, The Urban and Rural Deans were at firſt ſo called, from informing and atteſting the Diſorders of Clergy and People in the Epiſcopal *Synod.* But when they ſunk in their Authority, the *Synodical* Witneſſes were a Sort of impanelled Grand Jury, to inform of, or preſent Offenders, a Prieſt and Two or Three Laymen for every Pariſh. At laſt Two principal Perſons for each Dioceſe were annually choſen, till by Degrees this Office of Inqueſt and Information was devolved upon the Churchwardens. See *Kennet's Paroch. Antiq. pag.* 649. *Synodale juramentum*, was the ſolemn Oath taken by the ſaid *Teſtes*, as is now by Churchwardens to make their Preſentments.

T.

T Every Perſon convict of any other Felony (ſave Murder) and admitted to the Benefit of his Clergy, ſhall be marked with a T, upon the Brawn of his Thumb. *Anno* 4 *H.* 7. *cap.* 13.

Tabard, *Tabarder*, The Bachelor Scholars on the Foundation of *Queen's* College, *Oxford*, are called *Tabiters*, or *Tabarders*; of which Name there is a little Diſſertation by *Thomas Barlow*, S. T. P. Provoſt of the ſaid College, and afterwards Biſhop of *Lincoln*, which, among other Letters and little Tracts, is now in the Hands of the Reverend Mr. *Offley* Rector of *Midleton*, *Com. Oxon.* and Prebendary of *Lincoln*, late Chaplain to the ſaid Biſhop. Out of which Diſſertation, I ſhall tranſcribe ſomewhat for the Inſtruction, or at leaſt Diverſion of the Reader.

That our Scholars were called *Tabiters* (ſo we now pronounce the Name) from a Kind of Gown they wore, I make no Queſtion. And that Gown was then called a *Tabert* or *Tabarr*, or *Tabard.*——— For, 1. *Verſtegan* tells us, *Tabert* anciently ſignified a ſhort Gown that reached no farther than the Mid-Leg, and that it remains for the Name of a Gown in *Germany*, and in the *Netherlands*. And in *England*, it is now the Name only of an Herald's Coat. 2. *Edward Bolton*, (Element of Armories, pag. 67.) ſpeaking of the Monument of *Edward* the Black Prince at *Canterbury*, tells us, that *there he hath on his quilted Coat Armour with half Sleeves* Tabard *Faſhion*; and in his *Gloſſary* at the End of his Book, explains the Word as *Verſtegan* doth. 3. In *Spaniſh* I meet with *Tavardo*, which is rendered by *Minſhew* in his *Spaniſh* Dictionary, *a Kind of Garment like a Coat*; the Word he takes not to be a pure *Spaniſh* Word, but an *Arabick* or *Mooriſh* Word. 4. In *French* we know that *Tabarre* ſignifies the ſame, and is rendered by *Cotgrave* a long riding Cloak or Garment. So that the Spaniſh *Tavardo*, and the Freneh *Tabarre*, and the Teutonick and Saxon *Taber* or *Tabord*, ſignify all the ſame Thing, a Kind of Garment, *&c.*

Taberdum, A long Garment like a Gown; ſometimes it ſignified a Herald's Coat, but generally a Gown wore by Eccleſiaſticks. *Fratres ſacerdotes dicti Hoſpitalis habeant unam robam integram, tunicam, ſupertunicam,* Taberdum *& capucium, nigri coloris.* Matt. Pariſ. pag. 164.

Tabellion, *Tabellio*, A Notary Publick, or Scrivener allowed by Authority to ingroſs and regiſter private Contracts and Obligations. *Mat. Pariſ. fol.* 424. *De anno* 1236. hath theſe Words, *Quoniam* Tabellionum *uſus in Regno Angliæ non habetur, propter quod magis ad ſigilla authentica credi eſt neceſſe, ut eorum copia facilius habeatur, ſtatuimus ut ſigillum habeant non ſolum Archiepiſcopi ſed eorum officiales.*

Tabernaculum, A publick Inn, or Houſe of Entertainment. *Memorandum quod die Martis proxime ante Feſtum Sancti Gregorii Anno Regni Regis Edwardi Fil. Reg. Edwardi ſecundo. Magiſter Gilbertus de Segrave Archidiaconus Oxon. recepit dimidiam marcam pro procuratione ſua in viſitatione ſua apud Shulſtone——— quo quidem die Martis jacuit in* tabernaculo *dicti loci.* Conſuetud. Domus de Farendon, MS. 48.

Table-Rents, *Redditus ad menſam.* Rents paid to Biſhops or Religious Prelates, reſerved or appropriated to their Table or Houſe-keeping. Such Rents paid in *Specie*, or Proviſion of Meat and Drink, were ſometime called *Bord-Land* Rents.

Tabling of Fines Is the Making a Table for every County where his Majeſty's Writ runs, containing the Contents of every *Fine* paſſed in

any one Term, as the Name of the County, Towns and Places, wherein the Lands or Tenements lie; the Name of the Demandant and Deforceant, and of every Manor named in the *Fine*. This is to be done properly by the Chirographer of *Fines* of the Common Pleas, who every Day of the next Term, after the Ingrossing any such *Fine*, must fix every of the said *Tables* in some open Place of the said Court, during its Sitting. And the said Chirographer is to deliver to the Sheriff of every County, his Under-Sheriff or Deputy, fair written in Parchment, a perfect Content of the *Table* so made for that Shire, in the Term next before the Assises for that County, or else between the Term and the Assises, to be set up every Day of the next Assises, in some open Place of the Court, where the Justices of Assises shall then sit, and to continue there during their sitting: And if either the Chirographer or Sheriff fail herein, he shall forfeit 5 *li.* And the Chirographer's Fee for every such *Tabling* is Four Pence. 23 *Eliz. cap.* 3. and *West. Symbol. part* 2. Tit. *Fines, sect.* 130.

Tabula, A prescribed Form or Directory in Cathedral Churches, drawn up at the Beginning of each Week by the *Hebdomadary*, appointing the several Persons and their several Parts in the Offices of the following Week; which Persons so nominated and allotted to respective Duties, were called *Intabulati*—— *Sacerdotibus injungimus quod cum* intabulati *fuerint* tabulam *in legendo & cantando sequantur.* Stat. Eccl. Paulinæ, MS. fol. 546. See *Ebdomadarius*, who was the Officer deputed commonly to this Care, and was therefore called *Scriptor Tabulæ*, and for the more equal Discharge of his Office, it was thus ordained—— *Scriptori Tabulæ in virtute obedientiæ—— injungimus, quod officium suum fideliter exequatur, ita quod unum per fraudem seu malitiam non oneret, & alteri gratiam indebite deferat seu favorem, sed circa* intabulandos *rectum ordinem sine saltu & equitatem omnimodam studeat observare* —— Ibid. fol. 55. a.

Tabur, (*Taburcium*) A Bell used in Time of War: It is mentioned in *Dicetus*, and several other Historians, *viz. Juxta sonum illius instrumenti quod Ripatoribus vocatur* Tabur. Rad. de Diceto, pag. 1191. And in *Huntingdon, lib.* 7. *Equi non insolitum ferentes clamorem, buccinarum clangorem & ictus* Taburciorum, *&c.*

Tac, *Tak, Thistletac. Custumarius in Bosbury debet quasdam consuetudines, videl.* Tak *& Toll, & Faldfey, & sanguinem suum emere.* Blount of Tenures, pag. 155.—— *In manerio de Thurgaston, Com. Not. Siquis tenentium occiderit porcum unius anni solvebat Domino unum denarium vocatum* Thistletac, *Ibid. p.* 153.

Tacfre—— *Cum Housbold & Haybold &* Tacfre *de omnibus propriis porcis suis infra omnes metas de Cockishul, &c.* Charta Domini Tho. de Menylgaring, sine dat. We still retain the Word *Tac-free*, a little altered, that is, they paid nothing for their Hogs running within that Limit.

Tactare For *Confirmare.* Fleta, lib. 2. cap. 61. par. 22.

Tadcaster. See *Calcaria.*

Taffe. See *Ratostibus.*

Tail, *Talia, Tallia*, A Tally or Piece of Wood cut with Indentures or Notches in Two corresponding Parts, of which one is kept by the Creditor, the other by the Debtor. As now used by our Brewers, *&c.* and was formerly the common Way of keeping all Accounts.—— *Ut patet per* talliam *contra Willielmum Spinam collectorem redditus ejusdem anni, &c.* Paroch. Antiq. p. 571. Hence to tell Money, old *English*, a *tal'd Sum.* The *Tale* of Money. *Tale* and *Retail* of Goods. The *Tallier* (*Talliator*) of the Exchequer, whom we now call the *Teller.* See *Tailes.*

Tail, *Tallium*, May come from the *French* Word *Taille, i. sectura*, and in our Law signifies Two several Things, both grounded upon one Reason. *Plowden, fol.* 251. *Willion's* Case. First, it is used for the *Fee*, which is opposite to *Fee-simple*, by Reason it is so minced or parted as it were, that it is not in the Owner's free Power to dispose, but is by the first Giver *cut or divided* from all others, and tied to the Issue of the Donee. *Co. lib.* 4. in *Proœmio:* And this Limitation of *Tail* is either *general* or *special. Tail general*, is that whereby Lands or Tenements are limited to a Man, and to the Heirs of his Body begotten; and it is so called, how many Wives soever the Tenant holding by this Title shall have, one after another in lawful Marriage; his Issue by them all have a Possibility to inherit one after another. *Tail special* is when Lands or Tenements are limited to a Man and his Wife, and the Heirs of their Two Bodies begotten; and hath this Term of *special*, because if the Man bury his Wife before Issue, and take another, the Issue by his second Wife cannot inherit the Land, *&c.* Also if Land be given to a Man and his Wife, and to their Son *Thomas* for ever, this is *Tail special.* See more of this in *Fee*, and *Lit. lib.* 1. *cap.* 2. and the *New Book of Entries*, verb. *Tail. Tail* in the other Signification, is that we vulgarly call a *Tally:* For *une taille de bois*, is a cloven Piece of Wood, to set up an Account upon by Nicks; for in the Statute 10 *E.* 1. *cap.* 11. and 27 *E.* 1. *stat.* 1. *cap.* 2. it is termed a *Tail*, and 38 *E.* 3. *cap.* 5. and so in *Broke's Abridgment*, Tit. *Tail d'Ex. bequer, fol.* 247. See *Tailes.*

Tail after possibility of Issue extinct Is where Land is given to a Man and his Wife, and to the Heirs of their Two Bodies engendered, and one of them over-lives the other without Issue between them begotten; he shall hold the Land for Term of his own Life, as Tenant in the *Tail after Possibility of Issue extinct*, and notwithstanding that he do Waste, he shall never be impeached of it. And if he alien, he in the Reversion shall not have a Writ of Entry *in consimili casu*, but he may enter, and his Entry is lawful, by *R. Thorpe* Chief Justice. 28 *E.* 3. 96. & 45 *E.* 3. 25.

Tailage. See *Tallage.*

Tailes, (*Tallia*) French *Taille*, Italian *Tagliare, i. e. scindere*, a cut Stick, *i. e.* a Stick cut in Two Parts: On each was marked what was due between Debtor and Creditor; and this was the antient Way of keeping Accounts: Afterwards it signified a Tribute paid by the Vassal to the Lord: From hence comes *Tallagium*, which signifies any Sort of Tax.

But in the *feudal* Law, *Talliare* signifies to limit or cut: From the French *Tailler* to cut, so that *Talliare feodum* is to limit a Fee-simple, which we call a Fee-tail; that is, a limited Inheritance to such only who are named in the Grant.

There are Two Sorts of *Tallies* mentioned in our Statutes, to have been long uſed in the Exchequer; the one is termed *Tailes* of Debt, *Anno* 1 *Rich.* 2. *cap.* 5. which are a Kind of Acquittance for Debt paid to the King. As for Example, the Univerſity of *Cambridge* pays yearly Ten Pounds for ſuch Things as are by their Charter granted them in Fee-farm, *viz.* 5 *l.* at the *Annunciation*, and 5 *l.* at *Michaelmas*. He that pays theſe Sums, receiveth for his Diſcharge a *Taile* or *Tally* at each Day, with both which, or Notes of them, he repairs to the Clerk of the Pipe-Office, and there inſtead of them, receiveth an Acquittance in Parchment for his full Diſcharge. The other are *Tailes of Reward* ſpoken of 27 *H.* 8. 11. & 33 & 34 H. 8. 16. and 2 & 3 *E.* 6. *cap.* 4. which ſeem to be *Tailes* or *Tallies* of Allowance, or Recompence made to Sheriffs for ſuch Matters, as to their Charge they have performed in their Office, or for ſuch Monies as they by Courſe have caſt upon them in their Accounts, but cannot levy, &c. See 2 & 3 *E.* 6. *cap.* 4. There are alſo *Tallies* of Debt uſed among Subjects, *Et ſi creditor habet* Talleam, *oportet creditorem probare illam per convicinos ſuos vel per alios, per quorum fidelitatem Ballivi & alii præſentes illo tempore in Curia notitiam habere poſſunt, & ſi Creditor petat debitum per vocem ſuam ſimplicem tunc debitor poteſt eſſe ad ſuam legem manifeſtatam.* MS. Codex de LL. Statutis, &c. Burgi villæ Montgomer. a temp. H. 2.

Tailla, Under-wood fit to cut: *Et* 300 *Acras ſilvæ paſtilis modo val.* 6 lib. & Tailla, 40 *Sol.* Domeſday.

Taini or **Thaini majores** Were Freeholders, and ſometimes called *Milites Regis*, and their Land called *Tain-land.* 1 *Inſt. fol.* 5. *b.* See *Thane.*

Taint, *Attinctus*, Cometh of the French *Teinct*, *i. infectus*, and ſignifies ſubſtantively, either a Conviction, or adjectively a Perſon convicted of Felony or Treaſon, &c. See *Attaint.*

Tales Is a *Latin* Word of known Signification, and uſed in our Law for a Supply of Men impanelled upon a Jury or Inqueſt, and not appearing, or at their Appearance challenged by either Party as not indifferent; in which Caſe the Judge, upon Motion grants a Supply to be made by the Sheriff of one or more ſuch there preſent; and hereupon the very Act of ſupplying is called a *Tales de circumſtantibus.* But he that hath had one *Tales* either upon Default or Challenge, may not have another to contain ſo many as the former: For the firſt *Tales* muſt be under the principal Panel, except in a Cauſe of Appeal, and ſo every *Tales* leſs than other, until the Number be made up of Men preſent in Court, and ſuch as are without Exception: Yet this general Rule is not without ſome Exceptions, as appears by *Staundford, Pl. Cor. lib.* 3. *cap.* 5. Theſe commonly called *Tales* may in ſome Sort, and indeed are called *Meliores*, *viz.* when the whole Jury is challenged, as appears by *Bro.* Tit. *Oct.* Tales, & *auter* Tales, *fol.* 105. See *Co. lib.* 10. *fol.* 99. *Bewſage's* Caſe.

Tales Is alſo the Name of a Book in the King's Bench Office, of ſuch Jury-men as were of the *Tales. Co. lib.* 4. *fol.* 93.

Tallia corulina, *i. e.* Tallies made *ex corylo arbore.* Knighton, pag. 2570.

Tallage, *Tallagium*, May be derived of the French *Taille*, which properly ſignifies a Piece cut out of the whole, but metaphorically is uſed for a Share of a Man's Subſtance paid by Way of Tribute, Toll or Tax. *Stat. de* Tallagio *non concedendo temp. E.* 1. And *Stow's Annals, pag.* 445. Thence come *Talaigiers* in *Chaucer* for *Tax or Toll-gatherers.* See *Subſidy. Tallage*, ſays *Coke*, is a general Word for all Taxes. 2 *Inſt. fol.* 532. But Tenants in *antient Demeſne* are quit of theſe Taxes and *Tallages* granted by Parliament, except the King do tax antient Demeſne, as he may when he thinks good, for ſome great Cauſe.

Tallagium facere, To give up Accounts in the Exchequer, where the Method of Accounting is by Tallies.——— *Cum Vicecomes Cumbriæ federet ſuper computum ad Scaccarium apud Salop. idem Vicecomes* fecit tallagium *ſub nomine ſuo* 60 *libr.*——— Memorand. in Scaccario Mich. 6 Ed. 1. *by Sir* John Maynard.

Tallatio, The keeping Account, as by Tallies of all Battles or Delivery of Meat and Drink. By the Statutes of the Church of St. *Paul* in *London*, it was ordained, *Ut Cuſtos Bracini claves panetiæ & cellarii penes ſe cuſtodiat, & liberationes ſupervideat, &* tallationes *faciat per ſeipſum niſi rationabiliter fuerit impeditus.* Liber Stat. Eccl. Paulinæ, MS. fol. 40. a.

Tallepp. See *Tailes.*

Tallis, Every Canon and Prebendary in our old Cathedral Churches, had a ſtated Allowance of Meat, Drink, and other Diſtributions, to be delivered to him *per modum talliæ.* Hence their Commons or ſet Allowance, in Meat or Drink, was called *tallia.* As in the Statutes of the Cathedral Church of *Paul's*, collected by *Ralph Baldock*, Dean about the Year 1295.——— *Sciendum eſt quod non reſidens Canonicus defungens per annum integrum a die ſui obitus computandum* talliam *ſuam integram panis & cerviſiæ in bracino——— percipiat.*

Talliari de certo tallagio, To be aſſeſſed or taxed at ſuch a Rate or due Proportion, toward the *Tallage* impoſed by the King on his Barons and Knights, and by them on their inferior Tenants. See *Kennet's Paroch. Antiquit.* in Gloſſary.

Talſhide or **Talwood** (*Taliatura*) Is Fire-wood, cleft and cut into Billets of a certain Length. *Anno* 34 & 35 *Hen.* 8. *cap.* 3. and *Anno* 7 *Edw.* 6. *cap.* 7. *Every* Talſhide *marked one, being round bodied, ſhall contain Sixteen Inches of Aſſiſe in Compaſs*, &c. Anno 43 Eliz. cap. 14. This was anciently written *Talghwode.*——— *Et quod de toto reſiduo Boſci, quod non valebat pro maeremio, idem Petrus fieri fecit Carbones & boſcum computabilem vocatum* Talghwode. Clauſ. 3 E. 3. m. 26. intus.

Tamara, *Tamerton.*

Tamarus fluvius, *Tamar.*

Tamiſis, *Thames.*

Tangier, An antient City of *Barbary*, lying within the Kingdom of *Fez*, mentioned in the Statute of 15 *Car.* 2. *cap.* 7. and was formerly Part of the Dominion belonging to the Crown of *England.*

Taniſtry Is a Law or Cuſtom in ſome Parts of *Ireland*, of which Sir *John Davis* in his Reports, *fol.* 28. thus, *Quant aſcun perſon ſeiſie de aſcuns Caſtles, Manors, Terres ou Tenements del nature & de tenure* Taniſtry, *que donques meſme les Caſtles, &c. dond deſcender & de temps dont memory ne court ont uſe de deſcender*, Seniori & Digniſſimo viro Sanguinis & cognominis, *de tiel perſon iſſint morant ſeiſie & que le*

le file ou les files de tiel perſon iſſint morant ſeiſie de touts temps avant dit, ne fueront inheritables de tiels terres ou tenements, ou de aſcun parte de eux. The Name ſeems to be derived from *Thanus.* See Sir *James Ware's Antiquitates Hiberniæ, pag.* 38.

Tannare, To Dreſs or Tan Leather. *Prior de Tynemuth habet commonachos ſuos Mercatores coriorum recentium per patriam, qui cum ea comparaverint; apud Præſtum* tannare *faciunt & inde naves vel batella apud Sheles onerant.* Placito Parliam. 18 Edw. 1.

Tapenarius, A Seller of Tapeſtry, an Upholſter.—— *De quolibet* tapenario *per totum tempus feriæ (ſcil. Winton) unum denarium.* Pat. 2 Edw. 4. P. 6. M. 6.

Target, A Shield; from the Latin *Tergus*, becauſe it was formerly made of Leather wrought out of the Back of an Ox.

Targia (*Tarida*) Was a Ship of Burthen, ſince called a *Tartan, Knighton, Anno* 1385. calls it *Tareta, viz. Cepit duas Taretas bene onuſtas.* Walſingham, Anno 1386. calls it *Tarrita. viz. Cepit ſex Tarritas refertas multis bonis.*

Tarida. See *Targia.*

Tartaron, (*Anno* 4 *Hen.* 8. *cap.* 6.) A Kind of fine Cloth or Silk.

Taſcha. See *Thaſcia.*

Tappa. See *Boſiunus.*

Tare and **Tret**, The firſt is the Weight of Box, Straw, Cloths, &c. wherein Goods are packed. The other is a Conſideration allowed in the Weight for Waſte, in emptying and reſelling the Goods. See *the Book of Rates.*

Tareta. See *Targia.*

Taſels Is a Kind of hard Bur uſed by Clothiers and Clothworkers, in dreſſing of Cloth. *Anno* 4 *E.* 4. *cap.* 1.

Taſſale for *Caſula.*

Taſſum, and **Taſſa**, A Mow or Heap, from the French *Taſſer*, to pile up. *Commiſſio facta fuit Roberto Hadham ad vendend. blada & alia bona diverſarum Abbatiarum alienigenarum, qui venit & cognovit, quod vendidit blada Prioris de Tickeford in garbis in duobus* taſſis *exiſten. pro* 10 li. &c. Hill. 25 E. 3. Coram Rege, Rot. 13. Hence *Taſſare*, to mow or heap up; and *ad* taſſum *furcare*, to pitch to the Mow.

Tath, In *Norfolk* and *Suffolk*, the Lord of each Manor had the Privilege of having their Tenants Flocks of Sheep brought at Night upon their own Demeſne Ground, there to be folded for the Benefit of their Dung, which Liberty of ſo improving of their Land is called *Tath. Vide* Spelman *Icenia.*

Tau Signifies a Croſs: *Tradendo dicto Comiti* Thau *eboreum.* So Mr. *Selden*, in his *Notes* upon *Eadmerus, pag.* 159. *Ego Eadgiſa prædicti Regis Ava hoc opus egregium Crucis* Taumate *conſolidavi.* See *Mon.* 3 *Tom. pag.* 121.

Tauri liberi Libertas: In ſome ancient Charters *Taurus liber* ſignifies a Common Bull, ſo called, becauſe he is common to all the Tenants within ſuch a Manor or Liberty, *viz. Cum libertate faldiæ,* liberi Tauri & *liberi Apri*, &c.

Taurus Signifies a Husband. *In Leg. H.* 1. *cap.* 77. *Videtur autem matris eſt* (for *eſſe*) *cujuſcunque* Taurus *alluſerit.*

Tax (*Taxa*, from the Gr. τάξις *Quod non ſolum ordinem, ſed & modum ratione temperatum ſignificat, atque ob id etiam taxationem & tributum unde* ταξόμενοι *dicuntur, qui tributum imponunt*). It was ſuch a Tribute as being certainly rated upon every Town, was wont to be yearly paid, but now not without Conſent in Parliament, as Subſidies are. It differs from a Subſidy in this, that is always certain, as it is ſet down in the Exchequer Book, and levied in general of every Town, and not particularly of every Man. It is alſo called a *Fifteenth, Anno* 14 *E.* 3. *ſtat.* 1. *cap.* 20. and 9 *H.* 4. *cap.* 7. It ſeems that in antient Time, this *Tax* was impoſed by the King at his Pleaſure, but *Edward* the Firſt, bound himſelf and his Succeſſors, from that Time forward, not to levy it but by Conſent of the Realm. *Anno* 25 *Edw.* 1. *cap.* 5. See *Gild, Subſidy, Fifteenth*, and *Witerden*, and alſo *Camb. Brit. pag.* 304.

Taxatio Bladorum, An Impoſition laid upon Corn.

Ad Taxam operarius, A Tasker, *Triturator ad taxam*, a Threſher in the Barn, who works by the Great, or by the Meaſure, not by the Day. ——*Et in ſolutis Johanni Leſeby trituranti* ad taxam *xlv. quarteria frumenti, ut patet per talliam hoc anno, capiendo pro quolibet quarterio iii. den. ob.* Paroch. Antiq. p. 576.

Taxatio Norwicenſis, The Valuation of Eccleſiaſtical Benefices made through every Dioceſe in *England*, on Occaſion of the Pope's granting to the King the Tenth of all Spirituals for Three Years. Which *Taxation* was made by *Walter* Biſhop of *Norwich*, delegated by the Pope to this Office in 38 *Hen.* 3. and obtained till the 19th of *Edw.* 1. when a new *Taxation* advancing the Value, was made by the Biſhops of *Wincheſter* and *Lincoln.*

Tayers, Two Officers yearly choſen in *Cambridge*, to ſee the true Gage of all Weights and Meaſures: The Name took Beginning from taxing or rating the Rents of Houſes, which was antiently the Duty of their Office.

Tea Is a Kind of potable Liquor lately uſed in *England*, and introduced from *China* and the *Eaſt Indies*, being made of the Leaf of a Shrub growing in thoſe Parts. See 12 *Car.* 2. *cap.* 15.

Teagh Is a *Saxon* Word, and ſignifies a Cheſt, for *Teagh, Sax. eſt marſupium ſeu clauſura.*

Team and **Theame**, or **Tem** and **Theme**, (from the Sax. *Tyman, i. e. Propagare*, to *Teem* or bring forth) Signifies a Royalty granted by the King's Charter to the Lord of a Manor, for the having, reſtraining and judging Bondmen, Neifs and Villains, with their Children, Goods and Chattels in his Court. *Tyman* in *Sax.* ſignifies alſo Advocate.

THeme *eſt, quod habeatis totam generationem villanorum veſtrorum, cum eorum Sectis & catallis ubicunque inventi fuerint in Anglia.*—— *Qui autem juriſdictionem habent hujuſmodi, curiam de* Theme, *i. e. De nativis vel ſervis, dicuntur habere, in qua olim licuit inter cæteros cognoſcere de ſtatu vaſſalli ſui, utrum liber eſſet an ſervus.* Anonymous in MS. *Theame* (ſays the learned *Spelman* in the Laws of *Edw. Conf. cap.* 21 & 25.) *ſignificare videtur juriſdictionem cognoſcendi in Curia ſua de advocationibus, ſive intertiatis, hoc eſt, de vocatis ad Warrantiam.* See *Glanvile, lib.* 5. *cap.* 2. And *Gloſſarium in x. Scriptores.*

Them, *i. e. Quod Prior habet totam generationem Villanorum ſuorum, cum eorum ſecta & catallis ubicunque in Anglia inventi fuerint.* Ex Regiſtro Priorat' de Cokesford.

Techis for **Theeis**, *Simeon Dunelm. Anno* 1144.

Teding-penny, *Tething-penny*, *Thirding-penny*, *Tithing-penny*, A ſmall Tax or Allowance to the Sherif from each Tithing, toward the Charge of keeping Courts, &c. from which Duty ſome of the Religious were exempted by expreſs Charter from the King. As *Hen.* 1. to the Abby of *Reading*. *Abbas & Monachi de Radinge habeant omnia tenementa ſua quieta de tributis & leſtagiis de* tedinpeni *&* *tinpeni*, *de ſummonitibus*, *de aſſiſis*, &c. Cartular. Abbat. Reading. MS. f. 2. a.

Teinland, *Teinlanda*, *Tainland* or *Thainland*, as if we ſhould ſay, the Land of a *Thaine* or Noble Perſon. *Breve Regis Willielmi Junioris*, *lib. Rameſ. ſect.* 178. ——— *Willielmus Rex Angliæ*, *W. de Cahaniis ſalutem*; *Præcipio tibi ut facias convenire ſhiram de Hamtona*, *& judicio ejus cognoſce ſi terra de Iſham reddidit firmam Monachis ſancti Benedicti tempore Patris mei*; *Et ſi ita invent. fuerit*, *ſit in Dominio Abbatis. Si vero* Teinlanda *tunc fuiſſe invenietur*, *qui eam tenet de Abbate*, *teneat & recognoſcat*; *quod ſi noluerit*, *eam Abbas in Dominio habeat*, *& vide ne clamor inde amplius ad nos redeat.* Teſte W. Epiſc. Dunelm. Where *Teinlanda* ſeems to ſignify *Terra Hæreditaria & colonorum ſervituti obnoxia.* According to *Domeſday*, Land holden by Knight's Service was called *Tainland*, and holden in Socage, *Reveland. Co. on Litt. ſect.* 117.

Teirs Is the Third Part of a Pipe, *viz.* Forty-Two Gallons. See *Tierce.*

Teller Is an Officer of the Exchequer, of which there are Four; whoſe Office is to receive all Monies due to the King, and to give the *Clerk of the Pell* a Bill to charge him therewith. They alſo pay to all Perſons any Money payable by the King, by Warrant from the *Auditor of the Receit*, and make weekly and yearly Books, both of their Receipts and Payments, which they deliver to the *Lord Treaſurer.*

Tellygraphiæ Are written Evidences of Things paſt: It is compounded, from the Sax. *Tellan*, *dicere*, and from the Greek γραφω, *ſcribo*, *quaſi* a Telling any Thing by Writing: *Tamen ſerventur libri primordiales cum aliis* telligraphis.

Telonium. See *Thelonium.*

Telonium, A Toll-Booth. *Cuthbertus Tonſtall* Telonium *Anglice*, the Toll-Booth, *in foro Dunelmenſi conſtruxit.* Hiſt. Dunelm. apud Whartoni Angl. Sacr. P. 1. pag. 783.

Telwork Is that Work or Labour which the Tenant was bound to do for his Lord for a certain Number of Days: From the Sax. *Tellan*, *numerare*, and *work*, *opus:* It is mentioned in *Thorn*, *Anno* 1364. *Et debet qualibet ſwolinga arare* 6 *acras de* Telwork, *&* 2 *acras de ſwodleybon & prædictus* 6 *acras ſeminare.*

Tementale or **Tenmentale**, A Tax of Two Shillings upon every Plough-land. ——— *Anno* 1193. *primo die Aprilis prædictus Rex Angliæ* (*i. e. Ricardus*) *celebravit tertium diem colloquii ſui* (*videl. in Concilio apud Nottingham*) *in quo conſtituit ſibi dari de unaquaque carucata terræ totius Angliæ duos ſolidos*, *quod ab antiquis nominatur* Tementale. Hoveden, Hiſt. f. 419. See *Tenmentale.*

Temperare, To come betimes, or to do a Thing in due Time. *Addit. ad Matt. Pariſ. pag.* 168. *viz. Illud mane ſic* temperatur *ut nulli ſit oneroſum*, *ſed ad aiſimentum omnium infirmorum*, &c.

Templers, or **Knights of the Temple**, (*Templarii*) Was a religious Order of Knighthood, inſtituted about the Year 1119. and ſo called, becauſe they dwelt in Part of the Buildings belonging to the *Temple* at *Jeruſalem*, and not far from the Sepulchre of our Lord: They entertained Chriſtian Strangers and Pilgrims charitably, and in their Armor led them through the *Holy Land*, to view the ſacred Monuments of Chriſtianity, without Fear of Infidels; for at firſt their Profeſſion was to defend Travellers from Highwaymen and Robbers. This Order continuing and increaſing for near Two Hundred Years, was far ſpread in Chriſtendom, and particularly here in *England.* But at length ſome of them at *Jeruſalem*, falling away (as ſome Authors report) to the *Saracens*, from Chriſtianity, or rather becauſe they grew too potent and rich, the whole Order was ſuppreſſed by *Clemens Quintus*, *Anno* 1307. by the Council of *Vienna* 1312. and their Subſtance given partly to the Knights of St. *John* of *Jeruſalem*, and partly to other Religious. *Caſſan. de gloria mundi*, *par.* 9. *Conſid.* 5. And ſee *Anno* 1 *Edw.* 1. *cap.* 24. Theſe flouriſhed here in *England* from *Henry* the Second's Days, till they were ſuppreſſed. They had in every Nation a particular Governor, whom *Bracton*, *lib.* 1. *cap.* 10. calls *Magiſtrum Militiæ Templi.* The *Maſter* of the *Temple* here was ſummoned to Parliament, 49 *Hen.* 3. *m.* 11. *in Schedula.* And the chief Miniſter of the *Temple Church* in *London*, is ſtill called *Maſter of the Temple.* Of theſe Knights read Mr. *Dugdale's Antiquities of Warwickſhire*, *fol.* 706. In antient Records, they were alſo called *Fratres Militiæ Templi Solomonis.* Mon. Angl. 2 par. fol. 554. b. About Nine Years after their Inſtitution, they were ordered by a Council held at *Triers*, to wear a white Garment, and afterwards in the Pontificate of Pope *Eugenius*, they wore a Red Croſs on their Garments.

The *Temples* which we now call the Inns of Court, was the Place where they dwelt, and in the *Middle Temple* the King's Treaſure was kept.

Temporalties of Biſhops, *Temporalia Epiſcoporum*, Be ſuch Revenues, Lands, and Tenements, and Lay-fees, as have been laid to Biſhops Sees, by Kings and other great Perſonages of this Land, from Time to Time, as they are Barons, and Lords of the Parliament. See *Spiritualties of Biſhops.* From the 31 *E.* 1. to the Time of the Reformation, a Cuſtom did obtain, that when Biſhops received from the King their *Temporalties*, they did by a ſolemn Form in Writing renounce all Right to the ſaid *Temporalties* by Virtue of any Papal Proviſion, and acknowledged the Receipt of them only owing to the King's Bounty. This Practice began on the Occaſion of a Bull of Pope *Gregory* 8. which conferred the See of *Worceſter* upon *William de Gainsborough*, and committed to him *Adminiſtrationem Spiritualium & Temporalium Epiſcopatus prædicti.* ——— Which Clauſe the King obliged him to renounce, and ordered a like Renunciation to be always obſerved.

Temptatio, *Rectius tentatio*, Aſſay or Trial, *Temptatio panis fiat bis in anno.* Cart. 20 E. 1. n. 51.

Tempus Peſſonis vel Peſſonæ, Maſt-time, ——*Volo etiam quod omnes Burgenſes mei*, *qui porcos habuerint* tempore Peſſonis *in* ——— &c. Charta Hamonis de Maſſy, ſine dat. See *Peſſona*, which I take to be from *Michaelmas* to St. *Martin's* Day, *Novemb.* 11. After it was called *Retropannagium.*

Tempus pinguedinis & firmationis. *Et sciendum quod* tempus pinguedinis *his computatur inter festum beati Petri ad Vincula & Exaltationem Sanctæ Crucis*, & tempus firmationis *inter festum sancti Martini & Purificationem Beatæ Mariæ.* The first is the Season of the Buck, the latter of the Doe. See *Firmisona.*

Tena Was that which we now call a Coif: It is mentioned in a Council held at *Lambeth*, Anno 1281. cap. 22. *Et cum corona sit Character Christianæ militiæ, & revelati cordis ac patuli radiis cælestibus insigne, ipsi ut veraciter ostendant se hujus Characteris titulum erubescere*, tena *coronas abscondunt quasi cælestes radios repellentes*, &c.

Tenancies (*Anno* 23 *Eliz. cap.* 4.) Are Houses for Habitation, Tenements or Places to live in, held of another.

EDwardus *illustris Regis Angliæ primogenitus omnibus*, &c. *Salutem & amorem. Sciatis quod dedimus & assignavimus in* Tenenciam *dilecto & fideli nostro Yvoni Pauntun omnes terras cum suis juribus & pertin. quæ fuerunt Hugonis Bedelli inimici nostri in Villa de Ashele. Tenendas ad nostræ beneplacitum voluntatis, nisi aliquis qui nobiscum personaliter interfuit in conflictu apud Evesham, quarto die Augusti, manus prius posuerit ad easdem. Et ideo vobis mandamus*, &c. Dat. Cestriæ 14 Augusti, Anno Regni Domini Regis Patris nostri 49.

Tenandrius, The same with *Tenens. Statut. Roberti Regis Scotiæ, cap.* 4. *par.* 3. *Statutum est & ordinatum quod licet in posterum Dominus Rex de dicto Comitatu aut Dominio cum* Tenandriis & *libere tenentibus per chartam suam infeodaverit aliquem*, &c.

Tend Seems to signify as much as to offer, shew forth or endeavour; as to *tend* the Estate of the Party of the Demandant. *Old Nat. Brev. fol.* 123. To *tend* an Averment. *Britton, cap.* 76. To *tend* to Traverse. *Staundf. Prærog. fol.* 16.

Tender May seem to come from the French *Tendre, i. tener, delicatus*, and used adjectively, signifies the same with us in *English*: But in a legal Sense it denotes as much as carefully to offer, or circumspectly to endeavour the Performance of any Thing belonging to us. As to *tender Rent* is to offer it at the Time and Place where and when it ought to be paid. To *tender his Law of Summons.* Kitchin, fol. 197. Is to offer himself ready to make his Law, whereby to prove that he was not summoned. See *Law.* See *Make.*

Tending Penny. See *Tithing Penny.*

Tenement, *Tenementum*, Signifies most properly a House or Home-stall; but more largely either for a House or Land that a Man holdeth of another, and joined with the Adjective *Frank*, it contains Lands, Houses, and Offices, wherein we have Estate for Term of Life or in Fee: And in this Sense, *Kitchin, fol.* 41. makes *Frank-tenement* and *base Estate* opposite to each other. In the same Sort *Britton* uses it, *cap.* 27. as also *Bracton* doth the Latin *liberum* tenementum, *lib.* 1. *cap.* 5 & 6.

Tenementalis (or *Terra exterior*) Is Land which was possessed by the Tenant, and distinguished by that Name from the Demesne Land of the Lord which was Inland, or *Terra interior.* See *Inland.*

Tenementary Land, The Saxon *Thanes* who possessed *Bockland*, or hereditary free Estates, divided them into Two Sorts, *Inland* and *Outland.* The *Inland* was the Demains which the Lord kept in his own Hands. The *Outland* was granted out to Tenants under arbitrary Rents and Services, and therefore called *Tenementary Land*, the *Tenants Land*, or the *Tenancy.* See *Spelman* of *Feuds, cap.* 6, 7.

Tenementis Legatis Is a Writ that lies to *London*, or any other Corporation, (where the Custom is, that Men may demise *Tenements* as well as Goods and Chatels by their last Will,) for the Hearing any Controversy touching the same, and for rectifying the Wrong. *Reg. Orig. fol.* 244.

Tenent or Tenant, *Tenens*, From the Latin *Tenere*, to hold, signifies one that holds or possesses Lands or Tenements by any Kind of Right, either in Fee, for Life, Years, or at Will. The Word in Law is used with divers Additions, as *Tenant* in *Dower*, which is she that possesses Land by Virtue of her *Dower. Kitchin, fol.* 160. *Tenant per Statute-Merchant*, that holds Land by Virtue of a Statute forfeited to him. *Ibid. fol.* 172. *Tenant in Frank-Marriage.* Ibid. fol. 158. He that holds Lands or Tenements by Virtue of a Gift thereof made to him upon Marriage between him and his Wife. *Tenant by the Curtesy, Id. f.* 195. That holds for his Life, by Reason of a Child begotten by him of his Wife, being an Inheritrix, and born alive. *Tenant by Elegit*, that holds by Virtue of the Writ called an *Elegit. Tenant in Mortgage*, that holds by Means of a *Mortgage. Tenant by the Verge* in antient Demesne (*Id. fol.* 81.) is he that is admitted by the Rod in the Court of antient Demesne. *Tenant by Copy of Court-Roll* is one admitted *Tenant* of any Lands, &c. within a Manor, which Time out of Mind have been demisable, according to the Custom of the Manor. *West. Symbol. part* 1. *lib.* 2. *sect.* 646. *Tenant by Charter* is he that holdeth by Feoffment in Writing, or other Deed. *Kitchin, fol.* 57. There was also *Tenant by Knights-Service*, *Tenant in Burgage*, *Tenant in Socage*, *Tenant in Frank-fee*, *Tenant in Villenage.* So is there *Tenant in Fee-simple.* Kitchin, fol. 150. *Tenant in Fee-tail.* Id. fol. 153. *Tenant at the Will of the Lord, according to the Custom of the Manor*, Id. fol. 132, & 165. *Tenant at Will by the Common Law*, Ibid. *Tenant upon Sufferance*, Ibid. *Tenant of Estate of Inheritance.* Staundf. Prærog. fol. 6. *Tenant in Chief*, that holdeth of the King in Right of his Crown. *F. N. B. fol.* 5. *Tenant of the King* is he that holds of the Person of the King, *Ibid.* or as some Honour. *Ibid. Very Tenant*, that holds immediately of his Lord. *Kitchin, fol.* 99. For if there be Lord, Mesne and *Tenant*, the *Tenant* is *very Tenant* of the Mesne, but not to the Lord above: *Tenant Peravail.* See *Peravail.* Pl. Cor. 197. and *F. N. B. fol.* 136. See *Dyer's Com. fol.* 25. *num.* 156. So there are also *Joint-tenants*, that have equal Right in Lands and Tenements by Virtue of one Title. *Lit. lib.* 3. *cap.* 3. *Tenants in Common*, that have equal Right, but hold by divers Titles, *Ibid. cap.* 4. *Particular Tenant. Staundf. Prærog. fol.* 13. that holds only for his Term. See *Coke* in Sir *Will. Pelham's* Case, *lib.* 1. *fol.* 15. called *Term for Life or Years.* See *Plowd. Cothirst's* Case, *fol.* 23. *Sole Tenant.* Kitchin, fol. 134. He that hath no other joined with him. *Several Tenant* is opposite to

to *Joint-tenant*, or *Tenants in Common*. *Tenant al Præcipe* is he againſt whom the Writ *Præcipe* is to be brought. *Co. Rep. lib.* 3. Caſe *of Fines, fol.* 88. *Tenant in Demeſne*, 13 *E.* 1. *cap.* 9. 32 *H.* 8. *cap.* 37. is he that holdeth the Demeans of a Manor for a Rent without Service. *Tenant on Service*, 20 *Edw.* 1. *ſtat.* 1. is he that holdeth by Service. Vide *Britton, cap.* 79. *in principio & cap.* 96. *Car fealty, &c. Tenant by Execution*, 32 *H.* 8. *cap.* 5. that holds Land by Virtue of an Execution upon any Statute, Recogniſance, *&c.* with divers others.

Tenentibus in Aſſiſa non onerandis, &c. Is a Writ that lies for him to whom a Diſſeiſor hath alienated the Land, whereof he diſſeiſed another; that he be not moleſted for the Damages awarded, if the Diſſeiſor have wherewith to ſatisfy them himſelf. *Reg. of Writs, fol.* 214. *b.*

Tenetura For *Tenura*, ſometimes it is taken for *Tenementum*.

Tenheved, A *Saxon* Word ſignifying *Decanus, Caput vel Princeps decuriæ.* Leg. Edw. Conf. cap. 29. *Statuerunt Juſticiarios ſuper quoſq; decem friborgos, quos* Decanos *poſſumus appellare, Anglice vero* Tienheofod *dicti ſunt.* See *Frank-pledge.*

Teniſiæ, Tennis-Play. *Rex Henricus* 5. *villam de Hareflete terra mariq; obſidione circundans immenſis petrarum molibus ultra muros per Machinas bellicas introjectis, quaſi ludendo cum Francigenis, ut vulgo dicitur ad* Teniſias, *ipſos acriter impugnabat.* Hiſt. Croyland Contin. p. 500.

Tenmantale (Sax. *Tienmantale, i. e. decemvirorum numerus*) *Decuria, Tithinga.* LL. Edw. Conf. cap. 20. ——— *Et ſint quieti de Geldis, & Danegeldis, &* Themanatale, *& Concelationibus, & Scottis, &c.* Chart. 29 Ed. 1. p. 25. Abbat. de Thornton. Alſo an antient Tax ſo called. See *Tenmentale*, and *Friburg.*

The proper Signification of the Word is, *viz.* The Number of Ten Men, which Number, in the Time of the Engliſh *Saxons*, was called a Decennary, and Ten Decennaries made that which we call an Hundred: The Ten Men were bound for each other to preſerve the publick Peace, and if either of them was guilty of a Breach of the Peace, the other Nine were to make Satisfaction or to bring the Criminal to Juſtice. See *Friburg.*

It ſignifies alſo a Duty or Tribute payable to the King. *Hoveden* mentions it in this Senſe, *pag.* 737. *viz. Rex conſtituit ſibi dari de unaquaque carrucata terræ totius Angliæ* 2 *ſolidos, quod ab antiquo vocatur* Tenmantale, probably becauſe every Man of the Decennary was bound to ſee it paid.

Tenore indictamenti mittendo Is a Writ whereby the Record of an *Indictment*, and the Proceſs thereupon is called out of another Court into the Chancery. *Reg. of Writs, fol.* 69. *a.*

The Tenor of theſe preſents, *Tenore præſentium*, Is the Matter contained therein, or rather the true Intent and Meaning thereof, as to do ſuch a Thing according to the *Tenor* of a Writing, is to do the ſame according to the true Intent and Meaning thereof.

Tenſare, To teen, to fence or hedge in——— *Liceat Abbati & Conventui de Rading includere, foſſare, & tenſare prædictum pratum quibuſcunq; modis melius viderint.*——— Cartular. Radinges, MS. f. 102. *Terra tenſabilis, i. e.* Land fenced about. It is mentioned in the *Monaſtic.* 2 *Tom. pag.* 612. *viz. Claudemus* 40 *Acras terræ ad excolendum vel ad* tenſandum *ad libitum noſtrum, i. e.* let us encloſe 40 Acres, either to plough, or to keep it incloſed or fenced. So in the Book of the Priory of *Dunſtable*, *Eſt pratum illud* tenſabile *per totum annum.*

Tentates panis, The Eſſay of Bread.

Tenths, *Decimæ*, Are that yearly Portion or Tribute which all Eccleſiaſtical Livings pay to the King; for though the Biſhop of *Rome* does originally pretend Right to this Revenue, by the Example of the High Prieſt among the *Jews*, who had *Tenths* from the *Levites*, *Numb. cap.* 8. *Hierom. in Ezech.* Yet we read in our *Chronicles*, That theſe were often granted to the King by the Pope upon divers Occaſions. Sometimes for one Year, ſometimes for more, till by the Statute 26 *H.* 8. *cap.* 3. they were annexed perpetually to the Crown. See *Diſmes.* It ſignifies a Tax alſo levied of the Temporalty. 4 *Inſt. fol.* 34. Firſt-Fruits and *Tenths* were firſt on Occaſion given, and gradually by Cuſtom claimed, as an Acknowledgment to the See of *Rome.* The *Tenths* of all Eccleſiaſtical Benefices in *England* were firſt allowed by Pope *Innocent* IV. to King *Hen.* 3. *Anno* 1253. for Three Years; which occaſioned the *Norwich Taxation*, *Anno* 1254. This proved a great Oppreſſion to the Clergy, and was ſoon made more grievous. For when the Pope had again granted the *Tenths* to the King for Three Years; for a Compenſation of what they fell ſhort of the expected Value, the King in the 53d Year of his Reign, *Anno* 1269. made the Clergy pay within thoſe *Three* the *Tenths* of *Four* Years. And again, *Anno* 1288. 16 *Ed.* 1. when Pope *Nicholas* IV. granted this Favour to the Crown for Six Years, towards an Expedition to the Holy Land; that they might be then collected to the full Value, a new Taxation by the King's Precept was begun *Anno* 1288. and finiſhed *Anno* 1291. 20 *Ed.* 1. by the Biſhops of *Lincoln* and *Wincheſter.* For a particular Account whereof, ſee Mr. *Kennet's Paroch. Antiq. p.* 315.

Tento, A Stretcher, Tryer or Prover, which Dyers and Clothiers uſe. *Anno* 1 *R.* 3. *cap.* 8. but prohibited by 39 *Eliz. cap.* 20.

Tenure, *Tenura*, And is properly derived from the Latin *tenere*, to hold, and accordingly in the *Grand Cuſtumary of Normandy*, *cap.* 28. it is thus defined: *Tenure* is the Manner whereby Tenements are *holden* of their Lords. What may make a *Tenure*, and what not, ſee *Perkins, cap.* 10. *Reſervations* 70. And in that Chapter you ſhall find the moſt of thoſe *Tenures* recited that be now uſually in *England.* See *Cromp. Jur. fol.* 200. *New Book of Entries*, verb. *Tenure.* Mr. *Fabian Philips's* Book entituled. *Tenenda non Tollenda*, and the Stat. 12 *Car.* 2. *cap.* 24. The Family of *Barnhams* hold the Manor of *Nether-Bilſington* in the County of *Kent*, by this *Tenure*, to carry the laſt Diſh of the Second Courſe to the King's Table at his Coronation, and preſenting him with Three *Maple Cups*, which was performed at the Coronation of King *Charles* the Second. See *Capite.* In *Scotland* there be Four Manner of *Tenures*, the Firſt is *pura Eleemoſyna*, proper to ſpiritual Men, paying nothing for it but *devota Animarum ſuffragia.* The Second they call *Few* or Few-ferme, which holds of the King, Church, Barons, or others, paying a certain Duty called *Feuda firma.* The Third is a Hold in *Blench*, as they term it, by Payment of a Penny, a Roſe, or ſuch like Thing, if demanded in the Name of *Blench, id eſt, nomine albæ firmæ.* The Fourth is by Service of Ward

and Relief, where the Heir being Minor, is in the Cuſtody of his Lord, &c. *Skene de verbor. ſignif. verb.* Haubert.

Terletum, —— *Mandatum eſt Petro de Rivallis quod habere faciat Fratribus minoribus de Notingham quinque* terleta *in foreſta de Shirewode ad ſtalla ſua facienda de dono Regis.* Clauſ. 26 Hen. 3. m. 3.

Term, *Terminus*, Commonly ſignifies the Bounds and Limitation of Time, as a Leaſe for *Term* of Life or Years. *Bracton, lib. 2. cap. 6. num.* 4. But more notedly it is uſed for that Time wherein the Tribunals, or Places for Judgment, are open to all that think fit to complain of Wrong, or ſeek their own by due Courſe of Law or Action; the reſt of the Year is called *Vacation.* Of theſe *Terms* there be Four in every Year, during which Time Matters of Juſtice are diſpatched. One is called *Hillary-Term, Terminus Sancti Hillarii*, which begins the 23d of *January*, or if that be *Sunday*, then the next Day after, and endeth the 12th of *February* following. The Second is *Terminus Paſchæ, Eaſter-Term*, which begins the *Wedneſday* Fortnight after *Eaſter-day*, and ends the *Monday* next after *Aſcenſion-day.* The Third is *Terminus Trinitatis, Trinity-Term*, beginning the *Friday* next after *Trinity-Sunday*, and ending the *Wedneſday* Fortnight after. The Fourth is *Michaelmas-Term, Terminus Sancti Michaelis*, which antiently began the 9th of *October*; but by the Statute made 17 *Car.* 1. *cap.* 6. reduced to the 23d of *October*, unleſs it be *Sunday*, and then to the Day after, and ends the 28th of *November* following. Termini *apud nos dicuntur certæ anni portiones agendis litibus deſignatæ.* See *Spelman, De origine & ratione* terminorum *forenſium.*

Termini cenſuales, Rent Terms or Times, the Four quarterly Feaſts upon which Rent was uſually paid, —— *Ego Johannes filius Magiſtri Adæ de Lincoln de Sancto Edmundo —— conceſſi Johanni Abbati de S. Edmundo viginti ſolidatas quieti redditus —— ad* terminos cenſuales —— *Ex Cartular. S. Edmundi, MS. f.* 238.

Termonland Seems to be the Glebe-land, or Land belonging to the Church, anciently ſo called, eſpecially in *Ireland.*

Termor, *Tenens ex termino*, Is he that holds for Term of Years or Life. *Kitchin, fol.* 151. *Littleton, fol.* 100.

Terra, It is to be obſerved, that in all the Surveys of Tenure in *Domeſday* Regiſter, the Word *Terra* is always taken for arable Land, and always ſo diſtinguiſhed from the *Sylva, Pratum, &c.* See *Kennet's Gloſſary in Terra.*

Terra affirmata, Land let to Farm.

Terra culta, Land that is tilled, or manured; and *terra inculta*, the contrary, where there is Mention of *Terra culta*, and *Terra inculta.* See *Wacnoth.* Mon. Angl. 1 par. f. 500. b.

Terra debilis, Weak or barren Land. *Item eſt ibidem una carucata* terræ debilis. *Inq.* 22 *R.* 2.

Terra dominica vel indominicata, *Prædiorum pars eſt, quæ uſui ipſius domini reſervata, non coloniis nec emphiteuticariis conceditur.* The demain Land of a Manor.

Terra exultabilis —— *Totam illam* terram exultabilem, *quam habuit apud Norwicum in Campis.* Mon. Angl. 1 Par. fol. 426. b. Land that may be tilled or ploughed.

Terra extendenda Is a Writ directed to the Eſcheator, &c. willing him to enquire and find out the true yearly Value of any Land, &c. by the Oath of Twelve Men, and to certify the *Extent* into the Chancery, &c. *Reg. of Writs, fol.* 293. *b.*

Terra fruſca. —— *Continens xl acras* terræ fruſcæ, *paſturæ, &c.* Mon. Angl. 2 Par. fol. 327. b. Freſh-land, or ſuch as hath not been lately ploughed. This is elſewhere written *Terra Friſca.*

Terra Gilliflozata, Land held by the Tenure of paying a Gilliflower. *MS.*

Terra hydata was Land ſubject to the Payment of *Hydage*, and the contrary was *terra non hydata.* Selden.

Terra lucrabilis. — *Tam in Mora, quam in* terra lucrabili *& Marais, cum omnibus piſcariis ſuis.* Mon. Angl. 1 Par. *fol.* 406. a. Land that may be gained from the Sea, or incloſed out of a Waſte, to a particular Uſe.

Terra Mozmannozum. In the Beginning of *H.* 3. ſuch Land in *England* as had been lately held by ſome Noble *Norman*, who by adhering to the *French* King, or Dauphin, had forfeited his Eſtate in this Kingdom, which by this Means became an Eſcheat to the Crown, was called *Terra Normannorum*, and reſtored, or otherwiſe diſpos'd at the King's Pleaſure. —— *An.* H. 8. 3. *Rex Vi ecom. Oxon. Salutem. Scias quod commiſimus Thomæ Baſſet maneriuni de Kirtlington quæ eſt* Terra Normannorum —— *Paroch. Antiquit. pag.* 197.

Terra nova, *Sæpe legitur in Cartis feodalibus & in cenſualibus ſchedulis, vel pro* terra *noviter conceſſa, vel noviter aſſarta.* Prior Lew. pag. 1. *Reddat pro* nova terra, 2 *ſol.* Spelm.

Terra putrata. See *Putura.*

Terra ſabuloſa, Gravelly or ſandy Ground: *Et prædictæ* 24 *acræ* terræ *valent per annum* 13 *ſol. & 4. denar & non plus, quia eſt* terra ſabuloſa. *Inq.* 10 *E.* 3. *n.* 3. *Norf. in Turr. Lond.*

Terra ſeſita Is uſed in old Charters for Land ſown with Corn.

Terra Wainabilis —— *Sciant* —— *quod ego Alicia Malet dedi —— centum acras* terræ Wainabilis, *&c. Penes Eliam Aſhmole Arm.* Tillable Land.

Terra Waretta, Fallow Land. See *Waretum.*

Terra Warennata, Land that has the Liberty of Free Warren. —— *Quod ipſe conceſſiſſet* terras *illas eſſe* Warennatas. *Rot. Parl.* 21 *Ed.* 1.

Terræ boſcales, Woody Lands. *Inq.* 2 *par.* 8 *Car.* 1. *numb.* 71.

Terræ tertiorum May be *Engliſhed* Thirdling-Lands: Some Tenants *de terris tertiorum* belonging to the Commandry of *Dynmore in Com. Heref.* were bound to pay a Third Part of their Goods to their Lord at their Deceaſe. *Antiq. Rentale de Dynmore.*

Terræ teſtamentales, Lands that were held free from feodal Services, in *Allodio*, in *Soccage*, deſcendible to all the Sons, and therefore called *Gavelkind*, were deviſable by Will, and thereupon called *Terræ teſtamentales*, as the Thane who poſſeſſed them was ſaid to be *teſtamento dignus.* Vid. Sir *Henry Spelman of Feuds*, cap. 5.

Terrage, *Terragium. Edward the Third* granted to *John of Gaunt*, and *Blanch* his Wife for their Lives, *Quod ſint quieti de Theolonio, Paſſagio, Soccagio, Laſtagio, Tallagio, Caruagio, Priſcagio, Pickagio &*

& Terragio, which seems to be an Exemption, *a Precariis, viz.* Boons of Ploughing, Reaping, &c. and perhaps from all Land-Taxes, or from Money paid for digging and breaking the Earth in Fairs and Markets.

Terrar, *Terrarium vel catalogus terrarum*, Is a Book or Roll, wherein the several Lands either of a single Person, or of a Town, are described, containing the Quantity of Acres, Boundaries, Tenants Names, and such like. 18 *Eliz. cap.* 17. In the Exchequer there is a *Terrar* of all the Glebe-Lands in *England* made about 11 *E.* 3.

Terrarius, A Land-holder, or one who possesses many Farms. *Anno Regis* W. 20. *Rex tenuit Curiam suam apud Wintoniam ibique venerunt contra eum omnes Barones sui, & omnes* Terrarii *hujus Regni, qui alicujus pretii erant, cujusunque feodi fuissent, & omnes homines Regis effecti sunt, Anno* 1084. —— *Rex Willielmus accepit dominium omnium* terrariorum *Angliæ cujusunque feodi essent, juramentum fidelitatis recipere non distulit.* Annal. Waverlienſ.

Terrarius (æconomicalis, An Officer in religious Houses, whose Duty perhaps was to keep a *Terrier* of all their Estates, or to have their Lands exactly surveyed and registred. —— *Johannes de Nevil ad excitationem* Richardi *de* Byrtley Terrarii, & *Johannis de* Cornval *Feretarii fecit circa Festum Nativitatis S. Johannis Baptistæ novum opus in Ecclesia Dunelmensi, anno* 1372. Hist. Dunelm. *apud Whartoni Angl. Sacr.* P. 1. *p.* 769. Mr. *Davies* in his *Rites and Monuments* of *Durham*, calls him the *Terrer*, and implies, That one Part of his Office was to entertain the better Sort of Guests: Possibly the Convent Tenants, when they came to pay their Rent, &c.

Terris, bonis & catallis rehabendis post purgationem Is a Writ that lies for a Clerk, to recover his Lands, Goods, or Chattels, formerly seised, after he hath cleared himself of that Felony, upon Suspicion whereof he was formerly convicted, and delivered to his Ordinary to be purged. *Reg. Orig. fol.* 68.

Terris liberandis Is a Writ that lies for a Man convicted by Attaint, to bring the Record and Process before the King, and to take a Fine for his Imprisonment, to deliver him his Lands and Tenements again, and to release him of the *Strip* and *Wast*. *Reg. Orig. f.* 232. It is also a Writ for the Delivery of Lands to the Heir after Homage and Relief performed. *Ibid. f.* 293. Or upon Security taken that he shall perform them. *Ibid. fol.* 313.

Terre-tenant, *Terræ tenens*, Is he who has the actual Possession of the Land, which we otherwise call the *Occupation*. 39 *Eliz.* 7. For Example, a Lord of a Manor hath a Freeholder, who letteth out his Freehold to another to be occupied; this Occupier (having the actual Possession) is called the *Terre-tenant*. *West Symbol*, part 2 Tit. *Fines*, sect. 137. *Cromp. Jur. fol.* 194. *Britton, cap.* 29. *Perkin's Feoffments*, 231.

Terris & catallis tentis ultra debitum levatum Is a Writ Judicial, for the restoring of Lands or Goods to a Debtor that is distrained above the Quantity of the Debt. *Reg. Jud. f.* 38.

Terse Is a certain Measure of liquid Things, as Wine, Oil, &c. containing the Sixth Part of a Tun, 32 *Hen.* 8. 14. or the Third Part of a Pipe.

Tertian, A Measure containing Fourscore and Four Gallons, mentioned in the Statutes 1 *Ric.* 3. *cap.* 13. 2 *Hen.* 6. *cap.* So called because it is the Third Part of a Tun. A *Tierce* of Wine.

Tertium denarium. See *Third Penny.*

Tesis fluvius, the River *Tese.*

Tesso, Lat. *Taxus, Tassus.* Ital. *Tasso.* German. *Taisson, Tesson*, a Grey, Brock, or Badger. —— *Et omnia placita de leporibus, rechibus, hyemetis*, tessonibus, *vulpibus*, &c. *Blount of Tenures, pag.* 19.

Testa de Nevil, An ancient and authentick Record in the Custody of the King's Remembrancer in the Exchequer, said to be compiled by *Follan de Nevil* a Justice *Itinerant* in the 18. and 24 of *H.* 3. containing an Account of all Lands held in grand or petty Serjeanty, with Fees and Escheats to the King, &c. especially within the County of *Hereford.* —— See Mr. *Nicholson's* Engl. Library, *P.* 3. *p.* 103.

Testament, *Testamentum*, Is thus defined by *Plowden*, Testamentum *est testatio mentis*, A *Testament* is a Witness of the Mind: But *Aulus Gellius, lib. 6. cap.* 12. denies it to be a Compound Word, and saith, It is *Verbum simplex*, as *Calceamentum, Paludamentum*, &c. And therefore it may be thus better defined, *Testamentum est ultimæ voluntatis justa sententia, eo quod quis post mortem suam fieri vult*, &c. Of *Testaments* there are two Sorts, *viz. a Testament in Writing*, and a *Testament in Words*, which is called a *Nuncupative Testament*, which is, when a Man being sick, and for fear lest Death, want of Memory, or Speech, should come so suddenly upon him, that he should be prevented if he stay'd the Writing of his *Testament*, desires his Neighbours and Friends to bear Witness of his last Will, and then declares the same before them by Words, which after his Decease is proved by Witnesses, and put in Writing by the Ordinary, and then stands in as good Force as if it had at the first, in the Life of the Testator, been put in Writing, except only for Lands, which are devisable but by a *Testament* put in Writing in the Life of the Testator. See *Co.* on *Lit. lib.* 2. *cap.* 10. *sect.* 167. *Plowd. fol.* 541. *Paramore* and *Jurdley's* Case. *Co. 6. Rep. Marquess of Winchester's* Case. *Testament* was anciently used (according to *Spelman*) *pro Scripto, Charta vel Instrumento, quo prædiorum rerumve aliarum transactiones perficiuntur, sic dictum quod de ea re vel* testimonium *ferret vel testium nomina contineret* —— *Si quis contra hoc meæ authoritatis* testamentum *ali quod machinari impedimentum præsumpsit.* Charta Croylandiæ ab Æthelbaldo Rege. Anno Domini 716.

Testator, Lat. He that makes a Testament. See *Swinburne of Wills and Testaments.* See *Wills.* And especially see a Dissertation of the Probate of Wills or Testaments by the Learned Sir *Henry Spelman* among his late Remains, *p.* 127.

Testatum Is a Writ in personal Actions, as if the Defendant cannot be arrested upon a *Capias* in the County where the Action is laid, but is returned *Non est inventus* by the Sheriff; this Writ shall be sent out into any other County, where such Person is thought to have wherewith to satisfy: And this is termed a *Testatum*, because the Sheriff hath formerly *testified*, that the Defendant was not to be found in his Bailiwick. See *Kitchen's Return of Writs, f.* 287.

Teste Is a Word commonly used in the last Part of every Writ, wherein the Date is contained, which begins with these Words, *Teste meipso*, &c. if it be an Original Writ; or if Judicial,

Teſte Roberto Raymond milite, or *Roberto Eyre milite*, according to the Court whence it iſſues. Yet we read in *Glanvile*, *lib.* 1. *ca.* 6. & 13, and *lib.* 2. *cap.* 4. the laſt Clauſe of an Original Writ to be *Teſte Radulpho de Glanvilla apud Clarendon*, &c. and divers Times in the *Regiſter of Writs*, Teſte *Cuſtode Angliæ*, as namely in the Title *Prohibition*, *fol.* 42. and *Conſultation*, *fol.* 54.

Teſtimonial, 39 *El.* 17. Is a Certificate under the Hand of a Juſtice of Peace, teſtifying the Place and Time when and where a Soldier or Mariner landed, and the Place of his Dwelling and Birth, unto which he is to paſs, or ſuch like. 3 *Inſt. fol.* 85.

Teſton, 2 & 3 *E.* 6. *cap.* 17. A Sort of Money, which, among the *French*, did bear the Value of 18 *Denar.* But in *Henry* the Eighth's Time being made of Braſs, lightly gilt with Silver, it was reduced to 12 *d.* and in the Beginning of *Edward* the Sixth to 9 *d.* and afterwards to 6 *d.* For the Fabrication and Value of *Teſtoons*, vid. *Lowndes's Eſſay upon Coins*, p. 22.

Textus Is mentioned in ſeveral Authors, to ſignify the *New Teſtament*. It was written in golden Letters, and carefully preſerved in the Churches.

Codex aurato conſeptus grammate, ſcriptus,
Auctus Evangelicum conſervat corpore Textum.

Textus magni Altaris, —— *Die* 28 *Mart. Anno* 11 *Ed.* 2. *coram Judicibus apud S. Edmundum ſedentibus Frater* W. *de Stowe Sacriſta protulit* textum magni Altaris *vocatum le* Domeſday, *in quo continebatur quod anno* 24. *Regis Patris Regis nunc*, &c. *Ex Cartular. S.* Edmundi, *MS. f.* 174

Textus Roffenſis, An ancient Manuſcript containing many of the *Saxon* Laws, and the Rights, Cuſtoms, Tenures, &c. of the Church of *Rocheſter*, drawn up by *Ernulph* Biſhop of that See from 1114 to 1124.

Thaccare, Among the cuſtomary Duties done by the inferior Tenants of the Manor of *Chebenhale*, belonging to the Abbey and Conv. of St. *Edmund* in *Suffolk* —— *Cum cibo Domini ferculabit propter prandium uno die &* thaeeabit *porcos, licet nullos porcos in boſca habeat, ſic autem* thaeeabit *Aulæ quemlibet quintum porcum, & ſi non habeat quinque porcos dabit ad pretium de porcis quintam partem* —— *Cartular. S. Edmundi, MS. f.* 401. See Tack.

Thacktile, 17 *E.* 4. 4. Otherwiſe called *Plaintiles* which are laid on the Side of a Houſe.

Thanage of the King. *Thanagium Regis*, Signified, a certain Part of the *King*'s Land or Property, whereof the Ruler or Governor was called *Thane. Domania Regis &* Thanagia *idem ſignificant*, ſays *Skene*. Ivo de Tailbois *tenet in Capite de Domino Rege Baroniam de* Hephall, *cum uxore ſua, quæ fuit filia* Wil. de Prardolfe, *quam habuit ex dono Domini Regis. Et omnes Anteceſſores ſui tenuerunt dictam Baroniam in* Thanagio, *& reddit Domino Regi inde per annum*, 50 *s. Dominus vero Rex primus, viz.* Will. Conq. *removit illud* Thanagium *temp.* Will. Bardolfe *ad feodum unius militis*, Ex libro feod. Mil. penes Remem. Regis in Scac.

Thane: From the *Sax* Thenian, *miniſtrare*: *Thanes* were thoſe who attended the *Engliſh Saxon* Kings in their Courts, and who held their Lands immediately of thoſe Kings, and therefore in *Domeſday*, they were promiſcuouſly called *Thaini & Servientes Regis*, though not long after the Conqueſt the Word was diſuſed, and inſtead thereof, thoſe Men were called *Barones Regis*, who as to their Dignity, were inferior to Earls, and took Place next after Biſhops, Abbots, Barons and Knights.

There were alſo *Thaini minores*, and thoſe were likewiſe called Barons: They were Lords of Manors, and had a particular Juriſdiction within their Limits, and over their own Tenants in their Courts, which to this Day are called Courts-Baron: But the Word ſignifies ſometimes a Nobleman, ſometimes a Freeman, ſometime a Magiſtrate but more properly an Officer or Miniſter of the King. Edward *King grete mine Biſcoops, and mine Eorles, and all mine* Thegnes *on than Shiren, wher mine Preſtes in Paulus Miniſter habband land.* Charta. Ed. Conf. *Pat.* 18 *H.* 6. *m.* 9. *per Inſpect. Lamb.* in his *Expoſition of* Saxon *Words*, verb. *Thanus.* And *Skene de verb. ſignif.* ſaith, That it is a Name of Dignity, equal with the Son of an Earl. This Appellation was in Uſe among us after the *Norman* Conqueſt, as appears by *Domeſday*, and by a certain Writ of *William the Firſt*: *Willielmus Rex ſalutat Hermannum Epiſcopum, & Stewinum, & Britwi, & omnes* thanos *meos in Dorſeſtrenſi pago amicabiliter, MS.* de Abbatsbury. *Cambden* ſays, They were enabled only by the Office which they adminiſtred. *Thainus Regis* is taken for a Baron. 1 *Inſt. fol.* 5. 1. And in Domeſday *Tenens, qui eſt Caput manerii.* See *Mills, de Nobilitate, fol.* 132. The Saxon *Thane* was ſo called from *Thenian*, Service; and in Latin *Miniſter a Miniſtrando.* So that a *Thane* at firſt (in like manner as an Earl) was not properly a Title of Dignity, but of Service. But according to the Degrees of Service, ſome of greater Eſtimation, ſome of leſs: So thoſe that ſerved the King in Places of Eminency, either in Court or Commonwealth, were called *Thani Majores* and *Thani Regis.* Thoſe that ſerved under them as they did under the King, were called *Thani minores*, or the leſſer *Thanes.* Vid. *Spelman of Feuds*, cap. 7.

Thane-Lands, Such *Lands* as were granted by Charters of the *Saxon* Kings to their *Thanes* with all Immunities, except the Threefold Neceſſity of Expedition, Repair of Caſtles, and mending of Bridges.

Thaſcia Was a certain Sum of tributary Money, impoſed by the *Romans* on the *Britons* and their Lands, and paid every Year; which Payment continued under the ſeveral Reigns of the *Saxon, Daniſh* and *Norman* Kings; for the Word is mentioned in the Laws of *H.* 1. *c.* 78. *Dedit unam medietatem de terra culta & inculta Deo & S. Mariæ cum* Thaſcia *& decimo*, &c.

Thaſſare, *Taſſare*, To lay up Hay or Corn into a Taſs, Toſs, Stack, Rick, or Mow. Lat. *Taſſa, Taſſus, Taſſius.* Sax. *Tas.* —— *Homines de Hedingdon qui carectas non habuerint, venient cum furcis ſuis ad dictum fœnum levandum &* thaſſandum —— *Qui carectas non habuerint adjuvabunt ad* thaſſandum *bladum* —— *Pro victualibus emptis pro factoribus* taſſiorum *Prioris* 12. —— Paroch. Antiq' *pag.* 550.

Thevones, Sax. *thufe, thefan*, a young Plant or Set, a Standard, and ſometimes any Branch or Bough, or Arm of a Tree. —— *Venerunt omnes prædicti homines in eundem mariſcum, & proſtraverunt & extirpaverunt centum &* 33. theevones, *& alios aſportaverunt ſine licentia ipſius Abbatis & contra pacem Domini Regis.* Chartular. Abbat. Glaſton. *MS. fol.* 44. *b.*

Theft, *Furtum*, Is an unlawful felonious taking away of another Man's moveable and perſonal Goods againſt the Owner's Will, with an Intent to ſteal them; and this is divided into *Theft* ſimply ſo called, and *Petit Theft*, whereof the one is of Goods above the Value of Twelve-Pence, and is Felony: The other under that Value and is no Felony, but called *Petit Larceny*. See *Larceny* and *Felony*. *Theft* from the Perſon, or in the Preſence of the Owner, is properly called *Robbery*. *Weſt Symbol.* Part 2. Tit. *Inditements*, ſect. 58, 59, 60.

Theftbote May be derived from the Saxon *Theof*, i. *furtum*, a *Bote*, i. *compenſatio*, and ſignifies properly the receiving of Goods from a *Thief*, to favour and maintain him, *Eſt quant home priſt Chatell de Larons de luy favourer & mainteyner & nemy autrement*, 42. Aſſ. *pag.* 2. And the Puniſhment thereof is Ranſom and Impriſonment, and not Loſs of Life and Member. *Staundf. Pl. Cor. lib.* 1. *cap.* 43. and the *Mirror of Juſtices*, lib. cap. *Des Perches criminals al ſuit le Roy.* *Antique dicebatur pretium quo furti reus ſe eximeret a diſpendio vitæ; hodie vero de iis dicitur qui furtiva bona a latrone ſuſceperint, ſceleris ſui fovendi gratia, quo ſenſu* Bote *pro præda, ut alias ſolet, intelligendum eſt. In privilegiorum chartis ubi* Theftbote *conceditur, intelligitur alias eſſe emenda furti ſine conſideratione Curiæ Domini Regis.* Theftbote (*inquit ſtatutum Walliæ Anno* 12 Ed. 1. ——*Hoc eſt, emenda furti ſine conſideratione Curiæ Domini Regis.* Spelm. And ſee 3 *Inſt. f.* 134.

Thegne. See *Thanus* and *Thingus*.

Thelonium, or Breve eſſendi quieti de thelonio, Is a Writ lying for the Citizens of any City, or Burgeſſes of any Town, that have a Charter or Preſcription to free them from *Toll*, againſt the Officers of any Town or Market, who would conſtrain them to pay *Toll* of their Merchandiſe contrary to their ſaid Grant or Preſcription. *F. N. B. fol.* 226.

Thelonmannus, The Toll-Man or Officer who received the Toll. —— *Proponebant quod ipſi catalla damnatorum de omnibus feudis Abbatis habere debent, & incontinenter ſeiſire, licet hoc non poſſunt ex tenore cartarum ſuarum, cum Abbates ipſi ea ſemper habuerint in manibus ſui* Thelonmanni, *de pretio quorum Ballivis Regis reſponderint in adventu Juſticiariorum.* Chartular. Abbat. Glaſton. *MS. fol.* 446.

Thelonio rationabili habendo pro Dominis habentibus Dominica Regis ad firmam, Is a Writ that lies for him that hath of the King's Demeſne in Fee-Farm, to recover reaſonable *Toll* of the King's Tenants there, if his Demeſne have been accuſtomed to be *Tolled*. *Reg. Orig. fol.* 87.

Themmagium, A Duty or Acknowledgment paid by inferior Tenants in reſpect of *Theme* or *Team* —— *Infra metas pradicti manerii nullum* themmagium *exigatur vel capiatur de cætero de prædicto Abbate & ſucceſſoribus ſuis, vel hominibus eorundem, per quoſcunque ballivos vel Foreſtarios prædicti Comitis vel hæredum ſuorum.* —— Chartular. Abbat. Glaſton. *MS. f.* 88. *a.*

Them. See *Teame*.

Then *Significat ſervum.* Fleta, lib. 1. cap 47.

Thenicium, *Quod Prædicti Parochiani* —— *Decimas inferius annotatas Eccleſiis ſuis perſolvant, ſcilicet, Decimam lactis, ovorum,* thenecii agrorum, *apum, mellis, &c.* Conſt. Rob. Winchelſey Archiep. Cant. Tit. de Decimis. *Ibi Lindwode* thenecii agrorum, i. *Arborum creſcentium circa agros pro clauſura eorum*, vulgarly called *Hedge-rowes*, or *Dike-rowes*.

Theoden, In the Degrees or Diſtinctions of Perſons among the *Saxons*, the Earl or prime Lord was called *Thane*, and the *King's Thane*; and the Husbandman or inferior Tenant was called *Theoden*, or *Under-Thane*. See *Thane*.

Theowes, The Bondmen among our *Saxons* were called *Theowes* and *Eſnes*, who were not counted Members of the Commonwealth, but Parcels of their Maſters Goods and Subſtance. *Spelman of Feuds*, cap. 5.

Theſaurus, The Word was ſometimes taken for *Theſaurarium*, the *Treaſury*. As in a Charter of Queen *Maud*, Wife of *Hen.* 1. to teſtify that the Manor of *Levechenor* (now *Leuknor*) was a Hundred of it ſelf, and did not belong to the Hundred of *Peritune*, (now *Pirton*) in *Oxfordſhire* —— *Sciatis quod Faritius Abbas de Abberdona in curia Domini mei & mea apud Wintoniam in* Theſauro *ante Rogerum Epiſcopum* —— *diſrationavit quod Levecanora manerium ſuum nihil omnino debet in hundredo de Peritona facere* —— in theſauro, *i. e.* in the Treaſury or Exchequer which was then kept in *Winchester-Caſtle*. And hence the *Domeſday* Regiſter preſerved in that Place was called often *Liber theſauri*.

Theſindus, the ſame with *Thainus*.

Thetford. See *Sitomagus*.

Thethinga, A Tithing. *Thethingmannus*, a Tithing-Man. Vid. *Tithing* and *Tithing-men*.

Thew, *Georgius Grey comes Cantii clamat in Maner. de* Buſhton & Ayton *punire delinquentes contra Aſſiſam panis & cerviſiæ per tres vices per amerciamenta & quarta vice piſtores per* Pilloriam, *Braciatores per tumbrellam, & rixatrices per* Thewe, hoc eſt, *ponere eas ſuper ſcabellum vocat. a* Cucking-Stool. Pl. in Itin. apud. Ceſtr. 14 *H.* 7. Perhaps from the Sax. *Theow*, a Slave or Captive. The Word is alſo mentioned *in Charta* 17 *Edw.* 3. *m.* 6.

Theyn Signifies a Freeholder, as *Thet* ſignifies a Servant. *Fleta*, 1 *Lib. c.* 47. *par.* 26.

Thingus, (*Thanus*) A Nobleman, a Knight, or Freeman; *Sciatis me conceſſiſſe omnibus militibus & omnibus* thingis *& omnibus libere tenentibus, qui manent in Foreſta mea de Honore de Lancaſter quod poſſunt, &c.* Cromp. Jur. *fol.* 197.

Thirdborow Is uſed for a Conſtable, *Anno* 28 *H.* 8. *c.* 10. And *Lambard's Duty of Conſtables, p.* 6. and ſeems to be corruptly uſed for the Saxon *Freoborog, ingenuus fidejuſſor.* Howbeit a late Author ſays, it ſignifies (more literally) *tertium ordine ex decuria fidejuſſorem.* Skinner.

Thirdings, The *Third* Part of the Corn or Grain growing on the Ground at the Tenant's Death, due to the Lord for a Heriot within a certain Manor, and Lands belonging to the Manor of *Turſal* in the County of *Hereford*.

Third Night awn-hinde, *Trium noctium Hoſpes*: By the Laws of St. *Edward*, (*cap. De Hoſpitibus*) If any Gueſt lay a *Third Night* in an Inn, he was accounted a Domeſtick, and his Hoſt was anſwerable for what Offence he ſhould commit. *Forman night uncuth, Tva night Gueſte, Third night awnhind*, that is, *the firſt* Night *a Stranger, the ſecond* Night *a Gueſt, the third* Night *a Domeſtick.* Bract. lib. 3. tract. 2. c. 10. num. 2. writes *Hegenhine* for *Agenhine*.

Item ultimur quod ſi extranei morantur in Burgo prædicto ultra tres dies invenient fidejuſſores de bene gerendo

do ſe erga Burgenſes & communitatem dum morâm inter ipſos fecerint. MS. Codex de L. Statut. & Conſuetud. liberi Burgi Villæ Moungom. *fol.* 26. See *Uncuth.*

Third-Penny, *Denarius tertius eſt ea pars multarum forenſiumque molumentorum quæ in Comitatu olim cedebat comiti, Rege alias duas percipiente.* Leg. Ed. *Conf. c.* 31. *Rex habebit* 100 *ſolidos, & Conſul comitatus* 50. *qui tertium habebit denarium de forisfacturis, &c.* and was anciently ſo fixt, and appropriate to an Earldom, as the Earldom of *Oxford*, in the Reign of King *Henry the Second*, paſſed by the Grant of *Tertium denarium comitatus* Oxon. *ut ſit inde Comes.* Of which ſee *Selden's Titles of Honour.*

Thiſtle-take, It was a Cuſtom within the Manor of *Halton*, in the County Palatine of *Cheſter*, that if in driving Beaſts over the Common, the Driver permits them to graze or *take* but a *Thiſtle*, he ſhall pay a Half-Penny a Beaſt to the Lord of the Fee. And at *Fiskerton* in *Notinghamſhire*, by ancient Cuſtom, if a Native or a Cottager killed a Swine above a Year old, he paid to the Lord a Penny, which Purchaſe of Leave to kill a Hog was alſo called *Thiſtle-take.* Reg. Priorat. de Thurgarton.

Thokes, Fiſh with broken Bellies, 22 *E.* 4. *c.* 2. which by the ſaid Statute are not to be mixt or pack'd with *Tale-fiſh.*

Thol, *Thollonium eſt libertas emendi & vendendi in terra ſua.* Lamb. Archaion, *fol.* 132. Thol, i. *quod Prior habet in mercato ſuo die Lunæ quandam menſuram de bladis venditis, & quoddam certum de animalibus & cæteris ſimilibus venditis.* Reg. Priorat. Cokeford. See *Toll.*

Thorough-Toll. At a Place called *Bowgh* in *Yorkſhire*, in Times paſt the Earls of *Richmond* had a Caſtelet, and a certain Cuſtom called *Thorough-Toll*, ſays *Cambden.* See *Toll.*

Thorp, Threp, Trop, either in the Beginning or End of Names of Places, ſignifies a Street or Village, as *Adleſtrop:* From the Sax. *Thorp, villa, vicus.*

Thrave of Corn, (*Trava bladi*) (from the Sax. *Threav, i. e.* a Bundle, or the Britiſh *Dreſa, i. e.* Twenty-four) in moſt Parts of *England* conſiſts of Twenty-four Sheaves, or Four Shocks, Six Sheaves to every Shock, 2 *H.* 6. *c.* 2. yet in ſome Counties they reckon but Twelve Sheaves to the *Thrave:* As in the Matter concerning the Burgeſſes of *Derby* ——— *Hi autem ad feſtum ſancti* Martini *reddebant Regi duodecim* trabes *annone.* Domeſday Book, *de Burgenſibus Derby, Anno* 2 *H.* 6. *cap.* 2. ——— *De qualibet Carucata arante in Epiſcopatu Eboraci, unam* Travam bladi. King *Athelſtan, anno* 923. gave by his Charter to St. *John* of *Beverley's* Church, Four Thraves of *Corn* from every Plough-land, in the *Eaſt* Riding of *Yorkſhire.*

—Wat give I God and Seint John.
Her beſore you eber ilkan,
All my herſt Corn meldeel
To uphold his minſtre weel:
Wa ſou Threbe, be beben Kinge)
Of ilka Plough of Eſtriding.——
See *Peter-Corn.*

Threngus. See *Drenches. Quia vero non erant adhuc tempore Regis Willielmi milites in Anglia, ſed* Threnges, *præcipit Rex ut de eis milites fierent ad defendendam terram, fecit autem Lanfrancus* Threngos *ſuos milites, &c.* Somner's Gavelk. *pag.* 123, 210. They were Vaſſals, but not of the loweſt Degree of thoſe who held Lands of the Chief Lord; the Name was impoſed by the Conqueror; for when one *Edwyn Sharnbourn* of *Norfolk*, and others, were ejected out of their Lands, they complained to the Conqueror, inſiſting that they were always on his ſide, and never oppoſed him, which upon Enquiry he found to be true, and therefore he commanded that they ſhould be reſtored to their Lands, and for ever after be call'd *Drenches. Spelm.*

Thrimſa, From the Saxon *Thrim*, which ſignifies Three, was an old Piece of Money of Three Shillings, according to *Lambard*, or rather, (as *Selden* thinks) the Third Part of a Shilling, *Titles of Honour, f.* 604. See *Weregeld.* It was certainly but a Groat, or the Third Part of a Shilling. *Thrymſa* being a Contraction of the Lat. *Tremiſſis*, and was a *German* Coin of the Value of 4 *d.* As thus expreſly, *lib.* 6. *ſect.* 3. *Saiga autem eſt quarta pars* tremiſſis, *hoc eſt denarius unus.* Tremiſſis *eſt tertia pars ſolidi, & ſunt denarii quatuor.*

Thrithing, *Thrithingum*, In the Statute of *Merton*, ſignifies a Court which conſiſts of Three or Four Hundreds. *Co.* 2. *Inſt f.* 99.

Thrower. See *Silk-Thrower.*

Thude Weald, A Woodward, or one who looks after the Woods.

Thumelum Signifies a Thumb: 'Tis mention'd in *Leg. Inæ, c.* 55. *apud Brompton, viz. Si paſnagium capiatur de porcis, de tridigitali tertius, de duo digitali quartus, de* Thumelo *quintus, i. e.* whoſe Fat is the Length of a Thumb.

Thwertnick, *Edwardus, &c. Conceſſimus etiam quod Vicecomes noſter aut hæredum noſtrorum, qui pro tempore fuerit in dicto comitatu, de cætero faciat executiones pro debitis recuperatis & recognitis in Comitatu vel Scaccario Ceſtriæ aut in itinere Juſticiariorum, qui pro tempore fuerit, abſque aliquo capiendo pro executione facienda, licet etiam præteritis temporibus uſum ſit, prout per chartam habet ipſa communitas; (ſcilicet Ceſtreſciræ) quod ſi aliquis in curia noſtra culpatus fuerit, per* thwertnik *ſe defendere poſſit; quia hæc defenſio eſt contraria legi Communi, nutrix malorum, pacis æmula & damnoſa populo pacifico: Volumus etiam de conſenſu & requiſitione dictæ communitatis, Ordinamus & præcipimus quod dicta defenſio per* thwertnik *de cætero non allocetur ſed annulletur totaliter & damnetur, &c.* Rot. Cart. de anno 11, 12. 13 Ric. 2. num. 11. per Inſpex. This Word ſeems properly *Thirdnight*, or *Thirdnicht*, which in ſome old Writings is taken for the Cuſtom of giving Entertainment, or paying Procuration-Money, to the Sheriff for Three Nights.

Tideſmen Are certain Officers that belong to the *Cuſtom-Houſe*, and are appointed to watch or attend upon Ships, till the Cuſtom of the Freight be paid; and they are ſo called, becauſe they go aboard the Ships at their Arrival in the Mouth of the *Thames*, and come up with the *Tide.*

Tierce, (Fr. *Tiers, i. e.* a Third, or third Part) a Meaſure of liquid Things, as Wine, Oil, *&c* containing the *third* Part of a Pipe, or Forty-two Gallons. *Anno* 32 *H.* 8. *cap.* 14.

Tigh or Teage, A Cloſe or Encloſure, a Croft; which Word *Tigh* is ſtill uſed in *Kent*, in the ſame Senſe. And in an old Charter of the Church of *Canterbury*, we find this Clauſe ——— *Marſionem quoque quæ eſt in Aquilonali parte* Doroberniæ, *& clauſulam*

ſulam quam Angli vocant Teage *quæ pertinent ad prædictam manſionem, &c.*

Tihindus. See *Twihindimen.*

Tihla, An Accuſation: From the Sax. *Tyhtla, Accuſatio:* 'Tis often mentioned in the Laws of *Canutus,* and *H.* 1. *viz. Si quis amicis deſtitutus ut plegium non habeat in prima* Tihla, *ponatur in Carcanno.* Leg. Canut. *c.* 62. and in *Leg. H.* 1. *c.* 45. *De nemore inoperato per* Tihlam *nemo reſpondeat, niſi ſit ibi captus.*

Tilſen Satten, for *Tinſel Satten:* 'Tis mentioned in the Statute 1 *H.* 8. *cap.* 14. and ſignifies *Satton* interwoven with Silver.

Timberlode, A Service ſo called, by which the Tenant was to carry *Timber* felled, from the Woods to the Lord's Houſe: 'Tis mentioned in *Thorn's* Chronicle, *Et debent pro qualibet ſwolinga* 14 *denar. per Annum, pro* Timberlode, *vel cariare extra Waldam per mare vel per terram ad dictum manerium.*

Timber of Skins Is Forty *Skins, De qualibet* Timber *de Fitcheux venal.* Ob. Pat. 10 R. 2. pars 1. m. 10. *Hæc civitas* (ſc. Ceſtriæ) *tunc reddebat de firma* 45. *libras & tres* timbres *pellium Matrinarum.* Leg. Edw. Conf.

Tina fluvius, the River *Tyne* in *Northumberland.*

Tinel le Roy, (*Fr.*) It uſed for the King's Hall, wherein his Servants uſed to dine and ſup. *Anno* 13 *R.* 2. *c.* 3.

Tineman, or **Tienman,** Was of old a petty Officer in the Foreſt, who had the nocturnal Care of Vert and Veniſon, and other ſervile Employments. *Conſtitut. Foreſtæ Canuti Regis, cap.* 4.

Tinkermen, Thoſe Fiſhermen who deſtroyed the young Fry on the River *Thames,* by Nets and unlawful Engines, till ſuppreſſed by the Mayor and Citizens of *London.* Of which ſee *Stow's Survey of London,* p. 18.

Tinct (*Tinctum*) ——— *Et prædictus Firmarius habebit* tinctum *ſufficiens extra boſcum ipſius R. ad clauſurandum terras & paſturas ſupradictas.* Charta Ric. Moninton 21 Hen. 6. Trouſe, Bruſhwood and Thorns to make and repair Hedges. In *Herefordſhire* to *Tine* a Glat or Gap in a Hedge, is to put Trouſe or Thorns in it, that Cattle may not paſs.

Tinmouth. See *Tunocellum.*

Tinpenny, A cuſtomary Tribute paid to the *Tithingman,* to ſupport the Trouble and Charge of his Office. The laborious *Du Freſne* is apparently miſtaken, when in Alluſion to the firſt Syllable, he renders it a Tax of Acknowledgment paid for *Tin* Mines, or the Liberty of digging *Tin.* Whereas it bears no ſuch fancied Relation; but *Tin* is only a Contraction of *Teon,* and means only the Number Ten. King *Henry* 1. granted to the Abbey of *Radinges* ——— *Ut tenementa quieta ſint de tributis & leſtagiis, de* tedinpeni & Tinpeni. *Chartular. Abbat. Radinges, MS. f.* 2. where *Tedinpenny* ſignified the Money paid the Sheriff by the ſeveral Tithings; and *Tinpenny* was the Money paid the *Tithing-man* by the ſeveral Friburgs or Diviſions of his Decennary or Diſtrict.

Tinettum, Trouſe, Bruſhwood and Thorns for Fencing and Hedging, which Sort of Underwood cut at Length, and not fagotted up, is ſtill in *Kent* called *Teenet.*

Tipſtaff Is one of the Warden of the Fleet's Men, that attends the King's Courts with a painted *Staff,* for the Taking ſuch into Cuſtody as are committed by the Court, and to attend ſuch Priſoners as go at large by Licence: Theſe are otherwiſe called *Baſtons. Anno* 1. *R.* 2. *c.* 12. and 5 *Eliz. cap.* 23. They alſo are called *Tip-ſtaves,* that attend the Judges with a Kind of Rod *tipt* with Silver, and take into their Charge all Priſoners either committed or turned over at the Judge's Chamber.

Tiſſur. See *Tiſſen.*

Tithes, *Decimæ,* Are the Tenth Part of all Fruits, *Predial, Perſonal* and *Mixt,* which are due to God, and conſequently to his Church's Miniſters for their Maintenance. *Levit.* 27. *verſe* 30. *Omnium bonorum licite quæſitorum quota pars Deo, Divina conſtitutione debita.* Father *Paul.* in his *Italian* Treatiſe *Di Materie beneficiate* is of Opinion, that *Tithes* were not given to the Prieſt but a little before the Time of *Charles* the *Bald*; but this muſt be a Miſtake, for in the ſecond Council of *Matſcon,* which was held *Anno* 585. we may read that *Leges divinæ, &c. præceperunt decimas fructuum ſuorum locis ſacris præſtare, &c. quas Leges Chriſtianorum congeries longis temporibus cuſtodivit intemeratus, &c.* Du Cange. And it was of late Times reſolved, *viz.*

Paſchæ 1 Jac. Rot. 1119. in Communi Banco.

QUOD Decimarum *tres ſunt ſpecies, quædam* Perſonales, *quæ debentur ex opere perſonali, ut Artificio, Scientia, Militia, Negotiatione, &c. Quædam* Prædiales, *quæ proveniunt ex prædiis,* i. e. *Ex fructibus prædiorum, ut Blada, vinum, fœnum, linum, cannabum, &c. ſeu ex fructibus arborum, ut Poma, Pyra, Pruna, Volema, Ceraſa, & fructus hortorum, &c. quædam* Mixtæ, *ut de Caſeo, lacte, &c. aut ex fœtibus animalium, quæ ſunt in paſcuis, & gregatim paſcuntur, ut in Agnis, Vitulis, Hœdis, Capreolis, Pullis, &c. Ex Prædialibus ſunt quædam* Majores, *quædam* Minutæ; Majores, *ut frumentum, ſiligo, zizania, fœnum, &c.* Minores *ſive* Minutæ, *quidam dicunt, ſunt, qui proveniunt ex menta, aneto, oleribus & ſimilibus, juxta illud dictum Domini,* Luc. 11, 42., Væ, qui decimatis mentam & rutam, *&c. Alii dicunt, Quod in Anglia conſiſtunt* Decimæ minutæ *in lino, quæ ſunt Prædiales, & Lana, lacte, caſeis & in Decimis animalium, agnis, pullis, & ovibus; Decima etiam mellis & ceræ numerantur inter* Minutas, *quæ ſunt* Mixtæ. Vide Lyndewode, cap. de Decimis.

But Laymen, in theſe latter Times, by withdrawing, or with-holding their *Tithes,* occaſion'd the Statutes of 27 *H.* 8. 20. 32 *H.* 8. 7. and 2 *E.* 6. 13. which were made to enforce the Payment thereof, which former Times required not, when more was often given than was either due or demanded, as appears by theſe and many other recorded Donations.

EGO Willielmus de Braoſa *do & concedo Eccleſiæ Sanctæ Mariæ de* Bargaveny & *Monachis ibidem Deo ſervientibus, omnem* Decimam *de Caſtello de* Bargaveny, *ſc. De Pane, de Vino, de Ceriſia, & Siſera, & de omni genere potus, de carnibus, de piſcibus, de ſale, de melle, de cera, de ſevo, & omni expenſa generaliter, tam parva quam magna, Caſtelli jam prædicti, de Denariis quoquomodo adquiſitis & habitis, de placitis, de auxiliis, de priſonibus, de bobus, de vaccis, de porcis, de ovibus, de capris, de equis, & de omnibus*

nibus rebus, & de omni eventu quoquomodo evenerit jam dicto Caſtello. Mon. Angl. 1 par. fol 558. a. *Et* Decimas *omnium proventuum Placitorum, Tolnetorum, Donorum, Lucrorum & reddituum meorum, & totius panis & potus expenſi de Caſtello Brechoniæ & de Haya.* Charta Rogeri Comitis Herefordiæ. Sine Dat.

And anciently many Men were ſo ſcrupulouſly careful in their Payment of *Tithes*, that at their Death they bequeathed *Souleſceat*, to their Pariſh-Prieſt, in lieu of any *Tithes* forgotten, and at their Funerals cauſed their beſt Ox or Horſe to be led with the Corps, and as a Mortuary or Oblation given to the Prieſt, in Recompence of any *Tithe* which might have been forgotten. See *Kennet's* Gloſſary in *Tithes.*

Tithing, *Tithingum*, From the Saxon *Teothunge*, which ſignifies *Decuriam :* It ſignifies, (according to *Lambard*, in his *Duty of Conſtables*) the Number or Company of Ten Men with their Families, knit together in a Society, all being bound to the King for the peaceable Behaviour of each other. Of theſe Companies, there was one chief or principal Perſon, who, from his Office was called *Teothung-man*, at this Day in ſome Places *Tithing-man*, but is indeed a Conſtable, for the old way of *Tithing* is long ſince left off. It is alſo uſed for a Court. *Magna Chart. c.* 25. *Merton, c.* 10. and 23 *E.* 3. *c.* 4. See *Chief Pledge, Frank-pledge, Decennier* and *Trithing.*

Tithing-men, In the *Saxon* Times, for the better Conſervation of Peace, and the more eaſy Adminiſtration of Juſtice, every Hundred was divided into Ten Diſtricts or *Tithings*, each *Tithing* made up of Ten *Friborgs*, each *Friborg* of Ten Families, and within every ſuch *Tithing.* — *Statuerunt Juſticiarios ſuper quoſque decem Friborgos, quos Decanos poſſumus appellare, Anglice vero,* Tienheford, i. e. *caput de decem.* Which *Tithing-men*, or Civil Deans, were to examine and determine all leſſer Cauſes between Villages and Neighbours, but to refer all greater Matters to the ſuperior Courts, which had a Juriſdiction over the whole Hundred. See *Kennet's Paroch. Antiq. pag.* 633. This Officer was ſometime called *Tething-mannus*

——— *Conceſſit Abbas pro ſe & ſucceſſoribus ſuis quod catalla felonum fugitivorum, vel rationabile pretium eorundem, per viſum & ballium Coronatorum ipſius Abbatis tradantur* Thethingmanno *prædicti Petri; & hæredum ſuorum, ſalvo cuſtodienda uſque ad adventum Juſticiariorum itinerantium.* Cart. 3 E. 2. in Cartular. de Radinges. *MS. f.* 156. *b.*

Tithing-penny, alias **Tith-penny**, alias **Thething-penny**, *Et ſint quieti de* Thething-penny, Tyn-penny, *& de omnibus forisfactis quacunque occaſione emerſerunt, &c.* In Mem. Scac. de anno 20 E. 3. Trin. Rot. 3. *Abbati & Monachis Rading.* Tithing-penny, *hoc eſt, quieti de Tallagio Decenna ſive* Tithing *per conſuetudinem.* MS. in Biblioth. Cotton. ſub. Tit. *Vitellius*, C. 9. fol. 221.

Tillage, *Agricultura*, Is of great Account in Law, as very profitable for the Commonwealth ; and therefore arable Land hath the Precedence before Meadows, Paſtures, Woods, Mines, and all other Ground whatſoever. And by laying of Lands uſed in *Tillage* to Paſture, Six grand Inconveniences enſue.

1. Idleneſs, which is the Ground and Beginning of all Miſchief.

2. Depopulation and Decay of Towns, for where in ſome Towns Two Hundred Perſons were employed and lived by their lawful Labours, by converting Tillage into Paſture, only Two or Three Herd-men are maintained.

3. Husbandry is decayed.

4. Churches are deſtroyed, by Diminution of Church-Livings.

5. Injury and Wrong done to Patrons and Miniſters.

6. The Defence of the Land againſt foreign Enemies enfeebled and impaired ; the Bodies of Husbandmen being more ſtrong and able, and patient of Cold, Heat, and Hunger than any other. See *Kennet's* Gloſſary in *Tithes.*

Tinewald, The Parliament or annual Convention in the *Iſle of Man* ; of which Mr. *King* in his Deſcription of that Iſland gives this Account. ——The Governor and Officers do uſually call the Twenty-four Keys of the Iſland, eſpecially once every Year, *viz.* upon *Midſummer-day*, at St. *John's* Chapel, to the *Tinewald* Court there, where upon a Hill near the ſaid Chapel, all the Inhabitants of the Iſland, ſtanding round about a fair Plain, they may hear the Laws and Ordinances agreed upon before in the Chapel aforeſaid, publiſhed and declared unto them ; and then and there the Lord of the Iſland, if he be in the Country, is to ſit in a Chair of State covered with a Royal Cloth or Canopy over his Head, his Viſage unto the Eaſt, with his Sword before him, holden with the Point upwards, his Barons, *viz.* the Biſhop and Abbats, when was Time, with the reſt of their Degrees, ſitting beſide him, *&c.*

Title, *Titulus*, Properly is when a Man hath lawful Cauſe of Entry into Lands whereof another is ſeiſed, for which he can have no Action, as *Title* of Mortmain, or *Title* to enter for Breach of Condition : But legally this Word *Title* includes a Right ; alſo and *Title* is the more general Word, for every Right is a *Title*, but every *Title* is not ſuch a Right for which an Action lieth, and therefore *Titulus eſt juſta cauſa poſſidendi quod noſtrum eſt*, and ſignifies the Means whereby a Man cometh to Land, as his *Title* is by Fine or Feoffment. And as by a Releaſe of a *Right* a *Title* is releaſed, ſo by Releaſe of a *Title*, a *Right* is releaſed alſo. See *Co.* 4. *Rep. Edw. Altham's* Caſe. This is a Word mentioned in ſeveral Councils and Synods ; and it ſignifies the Church to which a Prieſt was ordained, and where he was conſtantly to reſide. *Concil. London. an.* 1125. *Nullus in presbyterum, nullus in Diaconum, niſi ad certum* Titulum, *ordinetur.* There are many Reaſons why a Church is called *Titulus :* But that which to me ſeems the beſt, is, becauſe in former Days the Name of the Saint to whom the Church was dedicated, was engraved on the Porch, as a Sign that the Saint had a *Title* to that Church. From whence the Church it ſelf was afterwards called *Titulus.*

Title of Entry Is when one ſeiſed of Land in Fee, makes a Feoffment thereof on Condition, and the Condition is broken ; after which the Feoffor hath *Title* to enter into the Land, and may do ſo at his Pleaſure, and by his *Entry* the Freehold ſhall be ſaid to be in him preſently. And it is called *Title of Entry*, becauſe he cannot have a Writ of Right againſt his Feoffee upon Condition, for his Right was out of him by the Feoffment, which cannot be reduced with *Entry* ; and the *Entry* muſt be for the Breach of the Condition.

Titinylks, Tale-Bearers. Letter of the Secretary of State in 28 of *H.* 8. to *James* the Fifth King of *Scotland* ——— In all Realms the Popish Practice hath had such Confederacy of false, forsworn, factious and traiterous *Titinylks*, untrue to their Sovereign. *Vid.* Wever *of Fun. Mon. pag.* 94.

Toalia, A Towel. In the Inquisition of Serjeancies and Knights-Fee, within the Counties of *Essex* and *Hertford*, made in the 12th and 13th Year of King *John*. ——— *Petrus Picote tenet dimid. Heydene per Serjantiam serviendi cum una* toalia *ad coronationem Regis* ——*i. e.* by the Service of waiting with a Towel at the King's Coronation. —— *Ex Lib. Rub. Saccar. fol.* 137.

Tobius Fluvius, *Tovoy* in *Wales*.

Tod of Wool Contains Twenty-eight Pound, or Two Stone, mentioned in the Statute 12 *Car cap.* 32. See 3 *Inst. f.* 96.

Toft, *Toftum*, A Messuage, or rather a Place where a Messuage hath stood. *West Symbol.* part 2. Tit. *Fines*, sect. 26. And is a Word much used in *Fines*, ——— *Capitale* Toftum & Croftum *quod fuit Walteri Patris sui.* Cart. Petri de Brus in Biblioth. Cotton. Scites & Toftes, *an.* 22 *Car.* 2. *c.* 11.

Toftman, *Toftmannus*, The Owner of a *Toft*, Toftmanni *similiter operabantur a Sancto* Michaele *usque ad Autumpnum, & in autumno per 6 hebdomadas unaquaque hebdomade per 2 dies, &c.* Pri. Lew. *p.* 18. See *Molman*.

Toile Cometh of the French *Toile*, i. *tela*, and signifieth with us a Net or Cord to compass or take Deer.

Toliatis, the Isle of *Sheppey*.

Toling-penny, *Mon. Angl.* 2 *Tom. pag.* 286. for *Teding-penny*.

To Toll, To Bar, Defeat, or Take away. As to *Toll the Entry*, *i. e.* To deny or take away the Right of Entry. *Stat.* 8 *Hen.* 6. *cap.* 9.

Toll, alias Tholl, *Tolnetum* alias *Theolonium*, Is a *Saxon* Word, and hath in our common Law Two Significations. First, It is used for a Liberty to buy and sell within the Precinct of a Manor. *Lamb. Arch. f.* 132. Secondly, For a Tribute or Custom paid for Passage, *&c. Bract. lib.* 2. *ca.* 24. *num.* 3. interprets it to be a Liberty as well to take as to be free from *Toll*, for they who are enfeoffed with *Toll*, are Custom-free, saith *Skene. Toll*, hoc est, *quod vos & homines vestri de toto Homagio vestro sint quieti de omnibus mercatis & de* Tolneto *de omnibus rebus emptis & venditis.* Of this Freedom from *Toll* the City of *Coventry* boasts of an ancient Charter, granted by *Leofrich* (or *Lurich*) *Merciorum Comes*, who at the Importunity of *Godeva* his virtuous Lady, granted this Freedom to that City; and in *Richard* the Second's Time (as *Dugdale* saith in his *Description* of *Warwickshire*) the Picture of him and his Lady was set up in the South Window of *Trinity-Church* there, holding in his right Hand a Charter with these Words written thereon.

I Lurich, for the Love of Thee,
Do make Coventry Toll-free.

Some Authors make Mention of *Toltbrough*, which is Money paid for Passage in or *through* some Highways, or over Ferries, Bridges, *&c. Toll-raverse*, for passing over a private Man's Ground; and *Toll-turne*, which is *Toll* paid at the Return of Beasts from Fairs or Markets, though they were not sold. *Plowd. f.* 236. *Wilton's* Case. *Kitchin, f.* 204. By the ancient Law of the Land, the Buyers of Cattle or Corn in Fairs or Markets ought to pay *Toll* to the Lord of the Market, in Testimony of the Contract there lawfully made in open Market, because privy Contracts were held unlawful. *Horn's Mirror, lib.* 1. There is also *Intoll* and *Uttoll*, mentioned in *Henry* I.'s Charter to the Church of St. *Peter* in *York*; which see *Mon. Angl.* 3 *Part. fol.* 326. *a.* The made *Latin* Word *Theolonium*, *Cassanaus de consuet.* Burg. *p.* 118. deriveth a *Tollendo*, but it is more properly deduced from the Greek τελωνία or τελωνεῖον, id est, *vectigalium redemptio vel exactio.* See *Fleta, lib.* 1. *cap.* 47.

Tollage. This Word occurs in the Statute made *an.* 17 *Car.* 1. *c.* 15. and is there used to signify the same as *Tallage*, which see.

Toll-Booth, the Place where Goods are weighed.

Tolcestrum, *Tolsaster*, Exeise, or Tribute paid to the Lord by the servile Tenant for Liberty to brew and sell Ale. —— Among the customary Services of the Tenants in *Blebury*, to the Abbat and Convent of *Reading*. ——— *Et solebant dare* tolcestrum, *scilicet, illi qui solebant facere cervisiam ad vendendum, videlicet, sex lagenas cerevisiæ.* ——— Cartular. Radinges, MS. f. 221. a.——*Præterea si braciant ad vendendum dabunt de cervisia sua prædicto Abbati quandam consuetudinem quæ vocatur* Tolsaster, *scil. de qualibet bracina quatuor lagenas quotiescunque brasiaverint, ib. f.* 223. *a.* See *Tolsester*.

Tolcorn, Corn taken for Toll at grinding in a Mill.——*Dedi Abbati & Conventui de Radinges unam dimidiam summam bladi, scil. de* tolcorn *de molendino de Homstoll.*——Cartular. Abbat. Radinges. *MS. f.* 92. *a.*

Tolhop, A Toll-dish, or small Measure by which they take *Toll* for Corn sold in an overt Market. ——— *De consuetudine mercati de magna* Farendon, *pro carectata salis dabitur unus discus salis, qui continere debet unum* tolhop, *vel unus denarius.* Consuetud. Domus de Farendon. *MS. fol.* 22.

Tolsester, ——— *Per* Tolsester, *clamat esse quiet. de reddend. unum Sextarium Cervisiæ quod continet* 16. *Lagenas de nova cervisia mensurata, defubtus le* Shakeliff, *pro licentia brasiandi cervis. per totum annum.* Ex Rot. Plac. in itin. apud Cest. 14 H. 7. The same Word occurs in a Charter, 55 H. 3. *m.* 6. See *Gavelcester*.

Tolsey, the Place where Merchants meet. From the Sax. *Tol*, *Tributum*, and *See*, *sedes*.

Tolt, *Tolta*, Is a Writ whereby a Cause depending in a Court-Baron, is removed to the County-Court, *Old Nat. Brev. fol.* 2. and so called, because it does *tollere loquelam* from the one Court to another. *Preface* to *Co. Rep.* 3. *Plac. coram Rege Pasch.* 22 *E.* 1. *Rot.* 18. Tolla placiti *significat processum per quem causa a Jurisdictione curiæ temporalis* tollitur. *Tolt* is also a Tribute, or an Exaction of any Thing. *Mon. Angl.* 1 *Tom. p.* 673. So in *Mat. Paris. Mercatores vendunt sine* Toltis *malis.*

Toltray, ——*Venditio salis quæ debet solvi*, i. *Bushel & dimid. salis per mensuram* 4*s.* MS. *de temp. Ed.* 1. It should be *Toltsny*, or *Toll* taken by *Tray* or *Dish*.

Tolta, Wrong, Rapine, Extortion, any Thing exacted or imposed contrary to Right and Justice. —— *Nec aliquem deprædetur, nec homicidia, vel*

incendia, roberias, tolras, *seu alia hujusmodi perpetret enormia.* Pat. 48 H. 3. *in* Brady *Hist. Eng. Append. pag.* 235.

Tomin, A Weight so called amongst Goldsmiths and Jewellers, and is Twelve Grains.

Tonnage, *Tonnagium*, Is a Custom or Impost paid to the King for Merchandise carried out, or brought in Ships, or such like Vessels, according to a certain Rate upon every Tun; and of this you may read in the Statutes 12 *E.* 4. *cap.* 3. 6 *H.* 8. *c.* 14. 1 *E.* 6. *c.* 13. 1 *Jac.* 33. but especially 12 *Car.* 2. *cap.* 4.

Tonne. See *Tun.*

Tonnetight, The Quantity of a *Tonne* or *Tun*, in a Ship's Freight or Bulk, for which *Tonnage* or *Tunnage* was paid to the King.——*Ricardus Rex, &c. Thomæ de Percy Admirallo nostro —— in Parliamento ordinatum extitit——percipiend. de qualibet navi & craiera cujuscunque fuerit portagii quæ mare transient infra prædictum Admiratum eundo & redeundo pro viagio de quolibet* Tonnetight *sex denarios —— item de quolibet vase piscatrice quod infra mare dicti Admiratus piscatur pro allece capiendo de quolibet* tonnetight *sex denarios, &c.* Par. 2. R. 2.

Torcare Is a Word mentioned in *Fleta*, 2 *Lib. c.* 71. *par.* 2. *viz. Boves stiliare & Torcare:* Which is to comb and cleanse his Oxen.

Torcester. See *Tripontium.*

Torney. See *Turney.*

Torra, *Toire*, Sax. *Tor*, A Mount, A Hill, as *Glastenbury* Torre.——*Terra in campis Glastoniæ, una acra jacet in australi parte de la* torre. —— *super* torram *una acra.* —— Chartular. Abbat. Glaston. *MS. f.* 114, 116.

Tort, (from the Lat. *Tortus*) Is a *French* Word for Injury or Wrong, as *de son* tort *mesne*, in his own Wrong. *Cro. Rep. fol.* 20. *White's* Case. Wrong or Injury is properly called *Tort*, because it is wrested or crooked. *Cro.* on *Lit. fo.* 158.

Tortfeasor, A Wrong-doer, a Trespasser. *Co.* 2. *par. f.* 383. *num.* 11.

Tortitium Is mentioned in *Fleta*, and other Books, and signifies a *Torch.*

Toties-quoties, *Anno* 19 *Car.* 2. *c.* 4. and signifies As often as.

Tothlanda, A certain Portion of Land, in the Nature or Dimension whereof I can find no Direction, and can make no safe Conjecture.—— *Cum una virgata terræ, & cum una* Tothlanda, *& octo acris, quæ fuerunt datæ in dedicatione* (*Ecclesiæ de* Heyford ad Pontem *Com. Oxon.*) *Wulfvini Episcopi Dorcestriæ.* Paroch. Antiquit. *p.* 514.

Totted, A good Debt to the King, is by the *foreign Appofer*, or other Officer in the Exchequer, noted for such, by writing this Word *Tot* to it; *q. d. Tot pecuniæ regi debetur. Anno* 42 *E.* 3. *cap.* 9. and 1 *E.* 6. 15. See *Practice of the Exchequer*, pag. 71

Totteray Was a customary Payment of Four Pence for every Bushel and a half of Corn, sold at *Maldon* in *Essex. Hill.* 15 *E.* 1. This Word should be *Tolteray* or *Toll-tray.*

Tourne. See *Turn.*

Tout temps prist Is uncore est, That is, Always ready, and is so at this present. This is a Kind of Plea in way of Excuse or Defence for him that is sued for any Debt or Duty belonging to the Plaintiff. See *Broke's Abridgment, fol.* 258.

Towage, *Towagium*, and *Thoroagium*, Is the Rowing or Drawing a Ship or Barge along the Water by Men, or Beasts on Land, or by another Ship or Boat fastned to her. Also that Money, or other Recompence, which is given by Bargemen to the Owner of the Ground next a River where they *tow* a Barge, or other Vessel, *Dominus Rex habeat & habere debeat* Thowagium *navium & battellorum majorum & minorum in aqua de Tyne, &c.* Pla. Coram Rege & ejus concil. Parl. 18 E. 1. in Tur. London.

Toyliardus, A Sheep, a Ram ——*Quælibet hida potest sustinere octo & decem boves, sexdecim vaccas, & unum taurum, & ducentas oves cum quatuor* toyliardis, *cum exitu prædictarum ovium de uno anno, & quatuor Affros cum exitu unius anni.* —— Chartular. Abbat. Glaston. *MS. fol.* 72. *b.*

Trabariæ Were little Boats; so called, because they were made out of single Beams or Pieces of Timber cut hollow. *Florence* of *Worcester, pa.* 618. writes, That *uterque Rex in insulam* Trabariis *advehitur.*

Trabes In Churches, was that we now call Braneches, made usually with Brass; but formerly with Iron. See *Thrave.*

Tractus-uum, *Traces*, by which Horses, in their Gears, draw a Cart, Plough, or Waggon *Par tractuum*, A Pair of Traces. —*Pro uno cartsaddle, uno colero, cum una* pari tractuum *emptis xiv. d.* Paroch. Antiquit. *p.* 549.

Traga Was a Sort of Waggon without Wheels. 'Tis mentioned in the *Monasticon*, 1 *Tom. pa.* 851. *Qui cum quadriga vel* Traga *egressus.* So in *Virgil. Georg. lib.* 1. *ver.* 164.

Tribulaque, traheæque & iniquo pondere rastri.

Trahare Seems to be used for to Harrow, as well as *Herciare. Inq. in an.* 1223. *in Registro de Blyth.*

Trajectus, *Ast-Passage* over the *Severn* between *Glouceſterſhire* and *Wales*, not far from *Bristol.*

Trait, Bread of Trait, *quasi Treat*, was what we now call White-bread.

Tranatorium, a Bay.

Transcript, *Anno* 34 & 35. *H.* 8. *cap.* 14. Is the Copy of any Original written again or exemplified, as the *Transcript* of a *Fine.*

Transcripto Recognitionis factæ coram Justiciariis itinerantibus, &c. Is a Writ for the certifying of a *Recognisance* taken before *Justices* in *Eyre* into the *Chancery. Reg. Orig. fol.* 152.

Transcripto pedes finis levati mittendo in Cancellarium, Is a Writ for the certifying the Foot of a Fine levied before *Justices in Eyre, &c.* into the *Chancery. Reg. Orig. f.* 669. & *Reg. Judic. fol.* 14.

Transgressione. Is a Writ commonly called a Writ or Action of Trespass, of which *Fitzherbert* reckons two Sorts; one *Vicountiel*, so called because it is directed to the Sheriff, and is not returnable, but to be determined in the County; the Form whereof differs from the other, because it hath these Words, *Quare vi & armis, &c. F. N. B. f.* 84. The other is termed *a Writ of Trespass* upon the Case, which is to be sued in the King's Bench or Common Pleas, in which are used always these Words. *Vi & armis, F. N. B. fol.* 92. See *Trespass*, and the divers Uses of this Writ in the Table to the *Register of Writs* and 2 *Inst. fol.* 419.

Transire, *Anno* 14 *Car.* 2. *cap.* 11. Is used for a Custom-house Warrant or Let-pass; from *Transeo*, to go forth or let pass.

Transitory Is passing away or flitting, the opposite to *Local*. See *Local*.

Trantery So in some Manors they call the Money arising by Amerciaments of Ale-sellers and Victuallers, for breaking the Assize of Bread and Ale, as *Luston*, and other Manors in *Herefordshire*, especially those belonging to the Bishoprick of *Hereford*. But why so called, *quære*.

Translation, *Translatio*, In common Sense signifies the Version out of one Language into another; but in a more confined, denotes the setting from one Place to another; as to remove a Bishop from one Diocese to another is called *Translating*, and such a Bishop writes not *Anno Consecrationis*, but *Anno* Translationis *nostræ*.

Trava. See *Thrava*.

Traverse, (A derivative from the French *Traverser*, i. *Transfigere*) signifies sometimes to deny, sometimes to overthrow or undo a Thing, or to put one to prove some Matter; much used in Answers to Bills in *Chancery*; or it is that which the Defendant pleadeth, or saith in Bar to avoid the Plaintiff's Bill, either by confessing and avoiding, or by denying and *traversing* the material Parts thereof. *West. Symbol.* Part 2. Tit. *Chancery*, sect. 54, 55. The formal Words of which *Traverse* are in our French *Sans ceo*, in Latin *absq; hoc*, and in English *without that*. See *Kitchin*, *f.* 227. and 240. *Staundford*, *Prærog. cap.* 20. To *Traverse an Office* is nothing else but to prove, That an Inquisition made of Lands or Goods by the Escheator is defective, and untruly made. So to *Traverse an Indictment* is to take Issue upon the chief Matter, and to contradict or deny some Point of it. As in a Presentment against *A.* for a Highway overflow'd with Water, for Default of scouring a Ditch, &c. *A.* may *Traverse* either the Matter, that there is no Highway there, or that the Ditch is sufficiently scoured; or otherwise he may *Traverse* the Cause, *viz.* That he hath not the Land, or that he and they whose Estate, &c. have not used to scour the Ditch. *Lamb. Eiren. lib.* 4. *c.* 13. *p.* 521, 522. See the *New Book of Entries*, verb. *Traverse*.

Traversum, a Ferry. 'Tis mentioned in the *Monasticon*, 2 *Tom.* 1002. *Ab omni custuma tontagii vel* traversi.

Traves, (*Travæ bladi.*) *Clauſ.* 5 *Edw.* 2. *dorſ.* 21. and *Clauſ.* 12 *Ric.* 2. *m.* 34. granted to the Provost of St. *John* of *Beverley*. See *Peter-Corn* and *Thrave*.

Trawlermen, Of those Fishermen who used unlawful Arts and Engines to destroy the Fish upon the River *Thames*, some were stiled, *Tinckermen*, others *Hebbermen*, *Petermen*, Trawlermen, &c. See *Stow's Survey of London*, *pag.* 19. Hence to *trowle* or *trawle* with a *Trowling-line* for Pikes.

Traylbaston. See *Justices of Traylbaston*; and see the Copies of several Commissions granted to them by *Edward* the First in *Spelman's Glossarium*, *verbo*, *Traylbaston*. The common People in those Days called them *Traybaston*, *quod sonat*, *Trabe baculum*. *Edward* the First, in his Thirty-second Year, sends out a new Writ of Inquisition, called *Trailbaston*, against Intruders on other Men's Lands, who, to oppress the right Owner, would make over their Lands to great Men; against Batterers hired to beat Men, Breakers of Peace, Ravishers, Incendiaries, Murderers, Fighters, false Assisors, and other such Malefactors: Which Inquisition was so strictly executed, and such Fines taken, that it brought in exceeding much Treasure to the King. *Chron. fol.* 111. See *Plac. Parliamentaria*, *fol.* 211. & 280. and 4 *Inst.* 186. And in a Parliament, 1 *R.* 2. the Commons of *England* petitioned the King, That no Commission of *Eyre*, or *Trayle Baston*, might be issued during the Wars, or for Twenty Years to come. *Rot. Parl.* 1 *R.* 2.

Traytor, (*Traditor*, *Proditor*,) see *Treason*.

Traiterous Position. Of taking Arms by the King's Authority against his Person, and those that are commissioned by him, condemned by the Stat. 14 *Car.* 2. *cap.* 3.

T. R. E. *Tempore Regis Edwardi.* These initial Letters have this continual Note of Time in the *Domesday Register*, where the Valuation of Manors is recounted, what it was in the Time of *Edward the Confessor*; and what since the Conquest. As in *Oxenfordscir* —— *Manerium de Burcestre*, T. R. E. *valuit quindecim libras*, *modo sexdecim*.

Treason, *Proditio*, Of the French *Trahison*, and it is divided into *High Treason* and *Petty Treason*; *High Treason* is defined to be an Offence committed against the Security of the King or Kingdom, whether it be by Imagination, Word or Deed; as to compass or imagine the Death of the King, Queen or Prince; or to deflower the King's Wife, or his eldest Daughter unmarried, or his eldest Son's Wife: Or levy War against the King in his Realm, adhere to his Enemies, counterfeit his Great Seal, Privy Seal, or Money: Or wittingly to bring false Money into this Realm counterfeited, like the Money of *England*, and utter the same. To kill the King's Chancellor, Treasurer, Justices of either Bench, Justices in Eyre, of Assise, or of *Oyer* and *Terminer*, being in their Place doing their Office. *Anno* 25 *E.* 3. *cap.* Forging the King's Seal Manual or Privy Signet, Privy Seal, or foreign Coin current here. *Anno* 2 *Mar. Cap.* 6. Or diminishing or impairing current Money. 5 *Eliz.* tit. 14 *Eliz. cap.* 3. 18 *El.* 1. Or to say the King is an *Heretick* or *Papist*, or that he intends to introduce *Popery*, &c. *Anno* 13 *Car.* 2. *cap.* 1. And many others, which you may read there, and in other Places particularly expressed. In Case of this *Treason*, a Man shall be drawn, hanged, and quartered, and forfeit his Lands and Goods to the King. It is called also *Treason Paramount*. *Anno* 25 *E.* 3. *c.* 2. *Petit Treason* is, when a Servant kills his Master, a Wife her Husband: Or when a Secular or religious Man kills his Prelate or Superior, to whom he owes Faith and Obedience: And in how many other Cases *Petit Treason* may be committed, see *Cromp. Just. of Peace*. This kind of *Treason* gives Forfeiture of Escheats to every Lord within his own Fee. See *Bract. lib.* 3. *tract.* 2. *cap.* 3. *num.* 1, 2. There is also Mention of *Accumulative Treason* and *Constructive Treason* in the Statute, 14 *Car.* 2. *cap.* 29. And here observe, that in *Majori proditione omnes sunt Principales*, there are no Accessaries in *Treason*, all are Principals. And *Voluntas non reputabitur pro facto nisi in causa Proditionis*, for Petty *Treason*. See *Co.* 1. *Rep. Shelley's* Case.

Treasure, *Thesaurus*, the King's *Treasure* is the Sinews of War, and the Honour and Safety of the King in Time of Peace, *Firmamentum Belli & ornamentum Pacis*. If any Mine of base Metal be found

found in any Ground, it belongs to the Lord of the Soil; but if it be of Gold or Silver, it appertains to the King, in whose Ground soever they be found.

Treasurer, *Thesaurarius*, Is an Officer to whom the Treasure of another is committed to be kept, and truly disposed of: The chiefest of these with us is the *Treasurer* of *England*, who is a Lord by his Office, and one of the greatest Men of the Land, under whose Charge and Government is all the Prince's Wealth contained in the Exchequer, as also the Clerks of all Officers any way imploy d in the collecting of the Imposts, Tributes, or other Revenues belonging to the Crown. *Smith, de Rep. Anglor. lib. 2. cap.* 14. See more belonging to this Office. 20 *E.* 3. 6. 31 *H.* 6. 5. 4 *E.* 4. 1. 17 *E.* 4, 5. 21 *H.* 8. 20. and 1 *E.* 6. 13. This high Officer hath by Virtue of his Office, the Nomination of all Escheators yearly throughout *England*, and giveth the Places of all Customers and Searchers in all the Ports of the Realm, with divers other Matters, &c. There is also the *Treasurer of the King's Houshold*, who is of the Privy Council, and in the Absence of the *Steward of the King's Houshold*, hath Power with the *Controller and Steward of the Marshalsea*, without Commission, to hear and determine Treasons, Misprisions of Treason, Murder, Homicide and Bloodshed committed within the King's Palace. *Staundf. Pl. Cor. lib.* 3. *cap.* 5. In *Westm.* 2. *cap.* 1. there is Mention of the *Treasurer of the Exchequer, Treasurer of the Navy or War.* 27 *E.* 3. *Stat.* 2. *cap.* 18. 35 *Eliz. cap.* 4. *Treasurer* of the King's Chamber, 26 *H.* 8. 3. 33 *H.* 8. 39. *Treasurer* of the King's Wardrobe. 15 *E.* 3. *Stat.* 1. *cap.* 3. 25 *E.* 3. *Stat.* 5. *c.* 21. Whose Office you have well set out in *Fleta, lib.* 2. *cap.* 14. *Treasurer* of the County for poor Soldiers. 25 *El c.* 4. And most Corporations through the Kingdom, have an Officer of this Name that receiveth their Rents, and disburseth their common Expences, and is of great Credit among them.

Treasurer in Cathedral Churches, A Dignitary who was to take Charge of the Vestments, Plate, Jewels, Relicks, and other *Treasure* belonging to the said Church. But at the Time of the Reformation, when some who abhorred Idols did commit Sacrilege, and took away the infinite *Treasure* of Cathedral and Conventual Churches, then the Office was extinguished as needless in some Churches, as *York*, *Lincoln*, *Hereford*, but still remaining in *Salisbury*, *London*, &c.

Treasure-trove, *Thesaurus inventus*, Signifies in our common Law as it does in the Civil, *Veterem depositionem pecuniæ, cujus non extat memoria, ut jam Dominum non habeat*; with which Definition *Bracton* agrees: And though the Civil Law give it to the Finder, according to the Law of Nature, yet the Law of *England* gives it to the King by his Prerogative, or to some other who claim by the King's Grant, or by Prescription, as appears, *Bract. lib.* 3. *tract.* 2. *cap.* 3. *num.* 4. The Punishment for concealing *Treasure found*, is Imprisonment and Fine. *Staundf. Pl. Cor. lib.* 1. *cap.* 42. *Fitzherb. Abridgment, p.* 187. But if the Owner may any ways be known, then it does not belong to the King's Prerogative. *Britton, c.* 17. says 'tis every Subject's Part, as soon as he has found any *Treasure* in the Earth, to make it known to the Coroners of the County, &c. See *Kitchin, fol.* 40. *Anno* 1 & 2. *P. & M. c.* 15. This was anciently call'd *Findaringa*, of finding the *Treasure*. *Leg. H.* 1. *c.* 11 See 3 *Inst. fol.* 132.

Treasury, It signifies sometimes the Place where the King's *Treasure* is reposited; and at other Times the Office of *Treasurer*.

Lords of the Treasury, Commissioners to execute the Office, when it is not committed to one single Person.

Treat Cometh of the French *Traire*, i. *emulgere*; or rather from *tractus* drawn, and signifies as much as taken out or withdrawn: As a Juror was challenged because he could not dispend Forty Pounds, and for that Cause he was *treate*, (that is, withdrawn) by the Statute. *Old Nat. Brev. fol.* 159.

Trebuchet, (*Terbichetum*,) A Tumbrel, or Cucking-stool. 3 *Par. Inst. f.* 319. See *Tribuch.* It was also a great Engine to cast Stones to batter Walls. *Matt. Paris. Anno* 1246. *Per septem* Trebuchetta *ordinata, quæ tam de die quam de nocte in Castrum, &c. projicere non cessabant.* See *Trepget.*

Treta, (*Tressorium*,) Hair hanging in *Tresses. Amputentur eis* Tressoria *& tondentur.* Fleta, lib. 2. c. 5. par. 4.

Treting. See *Tribing.*

Treet, (*Triticum, i. e.* Wheat.) In the Statute of 51 *H.* 3. Bread of *Treet* seems to be that Bread which was made of fine *Wheat.* See *Cocket.*

Tremagium, *Tremisium*, *Tremesium*, The Season for sowing Summer-Corn about *March* the Third Month, to which the Word may possibly allude. For Corn sow'd in *March* is by the *French* call'd *Tremes* and *Tremois*, and sometimes *Mars* or *Marses*, which the *Italians* call *Martiolin* or *Martiol. Tremesium* was commonly opposed to *Hibernagium, i. e.* The Season for Summer-Corn, Barly, Oats, Beans, &c. to the Season for Winter-Corn, Wheat and Rye. ——*Arabit unam acram, seminabit cum semine Domini, eandem herciabit, videlicet, dimidiam acram ad hibernagium & dimidiam ad* tremagium, *& cariabit de fœno Domini.* Cartular. Glaston. *MS. fol.* 91. *a.* —— *R. Dei gratia Abbas Ecclesiæ S. Petri de Burgo. Noverit Universitas vestra Nos concessisse hominibus nostris de Tindele quod liberi sint & quieti* —— *de secta halemotorum & sarclatura & de ferris levandis* —— *arabunt semel ad hibernagium & semel ad* tremesenm *cum hoc quod habuerunt in carucis suis.* Cartular. S. Petri de Burgo Swafham vulgo appellat. *MS. f.* 227.

Tremellum, *i. e.* a Granary. 'Tis mentioned in *Mon. Angl.* 1 *Tom. pag.* 470. *Sciendum tamen est quod prædicti monachi facient sectam molendini mei tam de blado suo quam hominum suorum; ita quod ipsi habeant primam molituram post bladum quod invenerint in* Tremello, &c.

Tremuta, *Treumia*, *Tremellum.* The Hooper or Hopper of a Mill, into which the Corn is put to fall from thence to the Grinding-stones. —— *Do libere molere in molendino meo, ita quod immediate post bladum existens in* treumia, *quod vulgariter dicitur Ingranatum, eorum bladum moletur. Du* Fresne *in voce* Treumia. *Baldwin de Wake* to the Priory of *Deeping.* —— *Sciendum tamen est quod prædicti Monachi facient sectam molendini mei tam de blado suo quam hominum suorum* —— *Ita quod ipsi habeant primam molituram post bladum quod invenerint in* tremello. *Mon. Angl. Vol.* 1. *pag.* 470. So *Wido de Meriton* in his Charter to the Knights Templars —— *Concesserunt mihi Fratres unam libertatem ad suum molendinum, scilicet, molendini segetem pro multura reddenda pro segete quæ est in* tremuta. Paroch. Antiquit. *p.* 120.

Trencatum. *Usque ad* Trencatum *in Mariseo.* 2 Monast. *f.* 211. *b.* A *Trench.*

Trencheator. (from the Fr. *Trancher*, To cut,) A Carver of Meat at a Table, as we often find in the Patent-Rolls, Penſions granted by our Kings to *J. S. uni* Trencheatorum *noſtrorum.*

Trenchia, *Trancia*, Fr. *trancher*, to cut. A *Trench*, or Dike newly cut. ——— In a Perambulation, 33 *H.* 3. ——— *De Mechenley uſque ad quandam* trenchiam *quæ vocatur* Bythymeford. Chartular. Abbat. Glaſton. *MS. fol.* 97. *a.*

Trental, *Trentale*, An Office for the Dead that continued Thirty Days, or conſiſting of Thirty Maſſes, from the Italian *Trenta*, that is *triginta*, mentioned 1 *Ed.* 6. 14. See *Tricennalia. Et volo & ordino quod Executores mei ordinant ſeu ordinare faciunt unum* Trental *pro ſalute animæ meæ.* Will proved, *Anno* 1456.

Trepget, A great Engine to throw Stones againſt a Wall in ſtorming a Town. 'Tis mentioned in *Knighton*, *Anno* 1382. *Poſuerunt etiam unam machinam magnam & unum* Trepget, *cum una magna Gunna.*

Treſpaſs, *Tranſgreſſio*, Signifies any Tranſgreſſion of the Law under Treaſon, Felony, or Miſpriſion of either, *Staundf. Pl. Cor. f.* 38. where he ſays, That for a Lord of the Parliament to depart from the Parliament without the King's Licence, is neither Treaſon nor Felony, but *Treſpaſs.* But it is moſt commonly uſed for that Wrong or Damage which is done either to the King in his Foreſt, or by one private Man to another; and in this Signification it is of two Sorts, *Treſpaſs general*, otherwiſe termed *Treſpaſs vi & armis*; and *Treſpaſs ſpecial*, otherwiſe call'd *Treſpaſs upon the Caſe*; and this ſeemeth to be without Force, howbeit ſometimes they are confounded. How to diſtinguiſh the Forms of theſe Writs or Actions, ſee *F. N. B. fol.* 86, 87. In an Action of *Treſpaſs*, *the* Plaintiff always ſues for Damages, or the Value of the Hurt done him by the Defendant. There is alſo *Treſpaſs local*, and *Treſpaſs tranſitory. Treſpaſs local* is that which is ſo annexed to a Place certain, that if the Defendant join Iſſue upon the Place, and traverſe the Place only by ſaying *abſque hoc*, that he did the *Treſpaſs* in the Place mentioned in the Declaration, and aver it, it is enough to defeat the Action. *Treſpaſs tranſitory* is that which cannot be defeated by the Defendant's Traverſe of the Place, becauſe the Place is not material; but Actions of *Treſpaſs quare clauſum fregit* ought to be local. *Bracton, lib.* 4. *cap.* 34. *num.* 6. divides *Tranſgreſſionem in Majorem & Minorem.* See alſo *New Book of Entries*, verb. *Treſpaſs.*

Treſpaſſants Is uſed by *Britton, cap.* 29. for Paſſengers.

Treſtornare, To turn or divert another way; as *treſtornare viam*, to turn the Road. *Rex Johannes in Carta conceſſa Hugoni Epiſcopo Lincoln——— Conceſſimus etiam quod* treſtornare *poſſit viam quæ ſe extendit a Kenelmeton verſus Huntedon per quandam partem boſci de Buggeden.*

Treſwel of double ſoled Shoes, 2 & 3 *E.* 6. *cap.* 9. It ſhould rather be written *Creſwel*, ſignifying the broad Edge of the *Shoe-ſole* round about.

Tret. See *Tart.*

Treuga, and Truga, a League, Truce, or Ceſſation of Arms. *Rex. ——Sciatis quod cum quidam inimici noſtri regnum noſtrum Angliæ, cum poſſe non modico, præſentibus* Treugis *non obſtantibus, hoſtiliter ingreſſi fuerunt.* Rot. Parl. 5 H. 4. n. 24. See *Cuſtos Treugarum.*

Treuva, *Trevia*, *Treuga.* ——— *A feſtivitate S. Michaelis uſque ad Feſtum S. Andreæ* treuva, (*i. e. pax*) *erat in villa. Siquis eam infregiſſet inde Præpoſitus Regis accipiebat communem emendationem.* Lib. Domeſdei. Chenth. Dovere. ——— *Pax Dei, quæ vulgo* Trevia *dicitur, ſicut ipſe Princeps Guillelmus eam in initio conſtituerat, firmiter teneatur.* Conſtit. Norman, *A. D.* 1080. ——— *Item diximus de* treuga *quod ſi aliquis vulnerat aliam, &c.* treuga *vero durat a die Mercurii poſtero uſque ad diem Lunæ mane. Cart. Dat. A. D.* 1105. *in* Brady Append. Hiſt. Engl. *p.* 44.

Trial, *Triatio*, Is uſed for the Examination of all Cauſes civil or criminal, according to the Laws of the Realm, before a proper Judge; of which there are divers Kinds; as Matters of Fact ſhall be *tried* by the Jurors, Matters of Law by the Juſtices, Matters of Record by the Record it ſelf. A Lord of Parliament upon an Indictment of Treaſon or Felony, ſhall be *tried* without any Oath by his Peers upon their Honours and Allegiance; but in Appeal at the Suit of any Subject, they ſhall be *tried per bonos & legales homines.* If ancient Demeſne be pleaded of a Manor, and denied, this ſhall be *tried* by the Record of *Domeſday.* Baſtardy, Excommengement, Lawfulneſs of Marriage, and other Eccleſiaſtical Matters, ſhall be *tried* by the Biſhop's Certificate. Of the ancient Manner of *Trial* by *Combat* and great *Aſſiſe*, ſee *Combat and Aſſiſe.* See alſo *Staundf. Pl. Cor. cap.* 1, 2, 3. And *Twelve Men. Triatio eſt exactiſſima litis conteſtatæ, coram Judice per duodecimvirale Sacramentum, exagitatio.* Pat. 3 R. Joh. m. 3. in fidelitate Leulini. *Statuitur de triatione differentiarum, dicti Leulini, &c.* 'Tis uſual to ask the Criminal how he will be *tried*; which formerly was a very ſignificant Queſtion, but 'tis not ſo now, becauſe formerly there were ſeveral Ways of *Trial*, *viz.* by Battel, by Ordeals, and by Jury. And when the Criminal anſwered the Queſtion, *By God and his Country*, it ſhewed that he made Choice to be *tried* by a Jury. But now there is no other Way of *Trial.*

Trial per Pais, i. e. *Per Patriam*, by a Jury.

Tribuch and Trebuchet, *Terbichetum*, A Tumbrel, or Cuckingſtool; *Hæc omnia concedimus Deo & Eccleſiæ Sancti* Albani *cum Soca & Saca* on Strond and Streme, on Wude and Feld, *Toll & Teym*, Tribuch, *Hamſoken, Murdre, Forſtal, &c.* Carta Joh. Regis, Dat. 11. Jun. anno Regni 1.

Tribunculus, The ſame with *Trepget.*

Tricennale. See *Trental.*

Triceſima, An ancient Cuſtom ſo called in the Borough of *Bromyard in Com. Heref.* becauſe Thirty Burgeſſes paid 1 *d.* yearly Rent for their Houſes to the Biſhop who is Lord of the Manor. *Lib. niger Heref.*

Trigintale. See *Trental.*

Tricennalia, *Trentals*, Months, Minds or Maſſes ſaid for the Dead during Thirty Days, or one Month after their Deceaſe. —— *Inhibemus quoque diſtrictius ne aliquis Rector Eccleſiæ faciat hujuſmodi pactum cum ſuo Sacerdote, videlicet, quod ipſe Sacerdos præter cætera ſtipendia poterit recipere Annualia ut* Tricennalia. *Conſtitut. Rob. Epiſc. Linc. Apud. Append. ad Faſciul. p.* 411.

Tridingmot, The Court held for a *Triding* or *Trithing.* In the Charter of *Hen.* 1. to the Church of St. *Peter* in *York.* ——— *Nemo de terra Canonicorum S. Petri Wapentacmot, nec* Tridingmot *nec* Shireſmot *ſequebatur, ſed calumpnians vel calumpniatus ante oſtium*

um Monaſterii S. Petri rectitudinem & recipiebat & faciebat. — *MS.*

Trihing and **Trithing**, *Trithinga* contains Three or Four Hundreds, or the Third Part of a Shire or Province: Alſo a Court held within that Circuit, which was the ſame we call a *Court-Leet*, which is above a Court-Baron, and inferior to the County-Court. See *Cambden*, *pag.* 102. *Breve de Attornato de loquelis*, &c. Regiſt. 266. *Proviſum eſt quod quilibet liber homo libere poſſit facere Atturnatum ſuum ad loquelas proſequendas & defendendas motas in* Trithingis, *Comitatibus, Wapentachiis & aliis Curiis ſine brevi noſtro*, Sur le Statute de Merton, *c.* 10. *Fiat autem Viſus Francii Plegii ſic, viz. quod pax noſtra teneatur & quod* trithinga *ſit integra, ſicut eſſe conſuevit.* Mag. Charta, cap. 36. See *Fleta*, lib. 2. cap. 61. Sect. *Final. & Origin. Juriſd. fol.* 26. See *Lath.* See *Pupilla oculi*, *part.* 5. *cap.* 22. and *Roger Hovenden*, *parte poſter. ſuor. annal. fol.* 346. See *Lath. Et volo quod dicti Monachi ſint quieti & ſoluti ab omni ſcotto, Geld, auxiliis vicecomitum, Hydagio, & a ſecta in Schiris, Wapentachiis, Hundredis*, Trithingis, *& omnimodis aliis Cariis & ſæculi oneribus univerſis.* Charta Ealdredi Regis Anno 941. Abb. & Monachis Croiland, V. vitam Alfredi, *fol.* 79.

Trimilchi, The Engliſh *Saxons* call'd the Month of *May* by this Name, becauſe they milked their Cattle Three Times every Day in that Month. *Beda de ratione Temp. c.* 19.

Trijugum, A Trithing. or Juriſdiction of Three Hundreds.——*Similiter in quinque centuriatibus, dimidio de Wichelave, & uno & dimidio de Dyrham & in* trijugo *de Wines-tune.* Hiſtor. Elienſ. *edit* Gale. *lib.* 2. *cap.* 2. See *Triumvir.*

Trinity-Houſe Is a Houſe at *Deptford*, which belongs to a Company or Corporation of Seamen, that have Power, by the King's Charter, to take Knowledge of thoſe that deſtroy Sea-marks, and to redreſs their doings; as alſo to correct the Faults of Sailors. &c. and to take care of divers other Things belonging to Navigation, and the Seas. *Anno* 8 *El.* 13. and 35 *El.* 6.

Trinumgeld, (Sax. *Dri-nigongild*, i. e. *Ter nona ſolutio.*) *Grandis delicti compenſatio, quæ non abſolvitur niſi ter novem gildis*, i. e. *ſolutionibus.*

Trinke Is a Kind of Net or any Engine to catch Fiſh withal. *Anno* 2 H. 6. *c.* 15.

Trinobantes. *Middleſex* and *Eſſex.*

Trinoda Neceſſitas, A Threefold *neceſſary* Tax or Impoſition, to which all Lands were ſubjected in the *Saxon* Times, *i. e.* toward the Repairing of Bridges, the Maintaining of Caſtles or Garriſons, and an Expedition to repel invading Enemies. In the Grant and Conveyance of Lands, they were many Times exempted from all other ſecular Service. —— *Excepta* trinoda neceſſitate—— *Exceptis his tribus, Expeditione, Pontis & Arcis conſtructione.* Paroch. Antiq. *pag.* 46. See *Pontage.*

Triours Are ſuch as be choſen by the Court to examine whether a Challenge made to the Panel, or any of the Panel, be juſt or no. *Bro.* Tit. *Challenge*, *fol.* 122. and *Old Nat. Brev. fol.* 158.

Tripodium. *Leg. H.* 1. *cap.* 64. *In quibus vero cauſis triplicem Ladam haberet, ferat judicium* Tripodii, *i. e.* 60. *Solid.* The Meaning is, That as for a ſmall Offence, or for a trivial Cauſe, the Compoſition was Twenty Shillings; ſo for a great Offence, which was to be purged *Triplici Lada*, the Compoſition was to be Three Times Twenty Shillings, *viz. Tripodio.*

Tripontium, *Torceſter.*

Trirода terræ, A Quantity of Land containing Three Rods or Perches. —— *Dedit unam* trirodam *terræ arabilis, quæ eſt foſera cum pertinentiis in* Staundford, *MS. Chart. penes Eliam Aſhmole, Ar.*

Triſantonis Portus, *Southampton.*

Triſta, A Poſt or Station in hunting.--*In quo Rex cum cæteris ſuperior conſtitiſſet, ſecundum legem venandi, quam vulgus* triſtam *vocant, ſingulis proceribus cum ſuis canibus ſingula loca delegat, ut obſeſſa undique beſtia, ubicunque eligeret exitum, inveniret exitium*, &c. Decem Scriptores, *f.* 307. *Servitium vel Officium plane ſapit, fiducia mixtum*; *Origo, ni fallor, a noſtratium* Truſt. Gloſſ. in x. Scrip. See *Triſtis.*

Triſtis, *Triſtris & Triſta*, From *Traiſt*, i. *Truſt*, Is an Immunity, whereby a Man is freed from his Attendance on the Lord of a Foreſt, when he is diſpoſed to chaſe within the Foreſt, and ſhall not be compelled to hold a Dog, follow the Chaſe, nor ſtand at a Place appointed, which otherwiſe he might be, under Pains of Amerciament. *Manwood*, part 1. pag. 86. *Et ſint quieti*, &c. *de Chevagio, Hondpeny, Buckſtall, &* Triſtis, *& de omnibus miſericordiis*, &c. Privileg. de Semplingham, 4 *Inſt. f.* 306.

Trithing-Reve, The Third Part of a County, or Three or more Hundreds or Wapentacks, were called a *Triding* or *Trithing*, ſuch Sort of Portions are the *Laths* in *Kent*, the *Rapes* in *Suſſex*, and the *Ridings* in *Yorkſhire.* And thoſe who governed theſe *Trithings*, were thereupon called *Trithing-Reves*, before whom were brought all Cauſes that could not be determined in the Wapentakes, or Hundreds. See *Spelman of the ancient Government of* England, *pag.* 52.

Triſtega Was the uppermoſt Room in a Houſe; a Garret or Room Three Stories high. 'Tis mentioned in *Mat. Pariſ. anno* 1247. *Habebat nempe in ipſa navi, ſicut de arca Noe legitur, diverticula &* Triſtegas, *cameras & conclavia.*

Triumbir, A Trithing-Man, or Conſtable of Three Hundreds. —— *Nec mora adeſt* Thord. *cum Centurionibus &* Triumviris *& Præconibus.* Hiſtor. Elienſ. *cap.* 42.

Tronage, *Tronagium*, Is a Cuſtom or Toll taken for weighing of Wool. *Fleta*, lib. 2. cap. 12. ſect. *Item, Ulnas*, ſays, That *Trona* is a Beam to weigh with, mentioned in *Weſtm.* 2. *cap.* 25. See *Peſage. Monaſticon*, 1 *Tom.* 976. *Et ſint quieti de omni pavagio, picagio, terragio*, tronagio, *pontagio.* And indeed *Tronage* was uſed not only for the Cuſtom or Toll in the Weight of Wool, but for the Weighing of it in a Staple or Publick Mart, by a common *Trona* or legal Standard. This *Trona* or Beam for the *Tronage* of Wool, was fixed at *Leaden-Hall* in *London.*

Tronator, From *Trona*, i. *ſtatera*, An Officer in the City of *London*, who weighs the Wool that is brought thither. See his Oath in the Book *of Oaths*, *f.* 231.

Troper, *Troperium*, *Troparium*, A Book of alternate Turns or Reſponſes in ſinging Maſs, called by *Lindewode*, *Liber ſequentiarum. Thomas Becket* Archbiſhop of *Canterbury* pleaded —— *Nulla juſtitia defuit Johanni in curia mea, ſed ipſe (neſcio cujus conſilio, an propriæ voluntatis motu) attulit in curia mea quendam* Toper, (it ought to be *Troper*) *& juravit ſuper illam, quod ipſe pro defectu juſtitiæ a curia mea receſſit*——R. de Hoveden *Hiſt. p.* 283.

Tro-

Trover Cometh of the French *Trouver*, i. *invenire*, is an Action which a Man hath againſt one, that having found any of his Goods, refuſeth to deliver them upon Demand. See the *New Book of Entries*, verb. *Trover*. Actions of Detinue are of late much turned into Actions upon the Caſe. *Sur* Trover & *Converſion*, Preface to *Roll's Abridgment*.

Troy-weight, (*Pondus Trojæ.*) See *Weight*. 'Tis called *Troy-weight*, from *Troyes*, a City in *Champaigne*, from whence it firſt came to be uſed here.

Truia, *Truega*, Fr. *Trucie*, a Sow. —— *dedi terram cum reſtauramento unius porcariæ de decem* truis *& uno verre* —— In another Charter——*de decem ſuibus & uno verre*. Cartular. Abbat. Radinges. *MS. fol.* 93. *b.*

Trug, or Trug-Corn. *Tres* Trug *frumenti vel avenæ faciunt* 2 *Buſhels infra Prebendam de Hunderton in Eccleſia Heref. MS.* de temp. E. 3. In the black Book of *Hereford* we find *Truga frumenti* for that Meaſure of Wheat. And at *Lempſter*, at this Day, the Vicar has *Trug-Corn* allowed him for officiating at ſome Chapels of Eaſe (as *Stoke* and *Docklay*,) within that Pariſh. Haply it may come from the Sax. *Trog*, which ſignifies a great hollow Veſſel or Trough.

Truncus, A *Trunk* or wooden Box, ſet in Churches to receive the Oblations of pious and well diſpoſed People; of which, in the Times of Popery, there were many at ſeveral Altars and Images, like the Boxes, which ſince the Reformation, have been placed nigh the Church-door, to receive all voluntary Contributions for the Poor.—— *Collectum Feroſolymitanorum uſibus deſtinandum* truncus *in ſingulis Eccleſiis adacta ſera concluſit*. Rad. de Dicето *ſub anno* 1166. Theſe cuſtomary free-will Offerings that were dropt into theſe *Trunks* or Boxes, made up a good Part of the Endowment of Vicars before the Reformation, and thereby, as in many other Reſpects, made their Condition then better, than in later Times. In the Ordination of the Vicaridge of *Lancaſter*, by *Henry Bowet* Archdeacon of *Richmond*, 1 *March* 1430. —— *Vicarius habebit* —— *panis benedicti emolumenta ſecundum conſuetudinem dictæ parochialis Eccleſiæ de Lancaſtr. Oblationes quaſcunque ad* truncos *tam in dicta Eccleſia de Lancaſtr. quam alibi infra parochiam ipſius Eccleſiæ factas.*—— Collectan. Matth. Hutton, S. T. P. ex Regiſtris Archid. Richmond. *MS.*

Truſſa, A *Truſs* or Bundle. Among the cuſtomary Services done by the Tenants in *Cheleſworth*. —— *In vigilia S. Edmundi mittent pro infirmis in Eleemoſynaria ſex rationabiles* truſſas *ſtraminis, & in vigilia Natalis Domini ſex* truſſas, *& in vigilia Paſchæ ſex* truſſas. Ex Cartular. S. Edmundi. *MS. f.* 410.

Tuerobius Fluvius. *Twy* in *Wales*.

Tueſis. *Berwick* upon *Tweed*.

Tufta, A Cottage. *Omnibus, &c. Henricus Paulyn de Sancto Edmundo ſalutem.* ——*Conceſſi redditum meum de Ricardo Piknot Spicero viii. den. per annum, pro* tufta *ſua ubi manet*——*& de Rogero Filio Ricardo Carpentarii iiii ſol. per ann. pro* tufta *ſua ubi manet in* Hoſenemanſtretc. —— Ex Cartular. S. Edmundi, *MS. f.* 188.

Tuggæ, Ropes or Harneſs, or Traces for drawing, from Sax. *getogan*, to tug, or pull, or draw. *In ferramentis ad carrucas emptis iii. ſol. ii. den. in carucis per vices emendandis iv den. in jugis &* tuggis *ad idem emptis ix. den.*——Conſuetud. domus de Farendon. *MS. fol.* 16.

Tumbrell, *Tumbrellum*, *Turbichetum*, Is an Engine of Puniſhment, which ought to be in every Liberty that hath View of Frank-pledge, for the Correction of Scolds and unquiet Women. *Kitchin*, *fol.* 13. See *Cuckingſtool*, *New Book of Entries*, *Franchiſe* 2. *Et quo warranto* 1. *Item ſi aliquis qui in libertatem noſtram, per aſſenſum & conſenſum Comburgenſium noſtrorum admiſſus fuerit, fecerit aliquod delictum, per quod ad pœnam publicam ſeu vile Judicium, ut ad Colliſtrigium vel* tumbrellum, *vel aliquod aliud hujuſmodi adjudicatus fuerit, pro perjuro reputabitur, & ipſo facto amittet libertatem ſuam. MS.* Codex de Leg. Stat. & conſuetud. Burgi villæ Montgom. *fol.* 11.

Tun, Ton, In the End of Words or Names of Places, ſignify a Town, Village, or Dwelling-place. From the Sax. *Tun*, *Sepes*, *Vallum*, *Villa*, *Vicus*, *Oppidum*: And this from the Sax. *Dun*, *i. e.* an Hill, where they formerly built Towns.

Tun, (*Tunellum*,) Is a Meaſure of Oil or Wine, containing Twelve-ſcore and Twelve Gallons, or Four Hogſheads. *Anno* 1 *R.* 3. *c.* 12. 2 *H.* 6. *cap.* 11. and 12 *Car.* 2. *cap.* 14. A *Tun* of Timber is 40 ſolid Feet; a Load 50. *Ex dono Will. de Braoſa unum* Tunellum *vini rubri de tribus modiis & dimid. in villa de S. ad Miſſas celebrandas.* Mon. Angl. 3 Par. *f.* 8. *a.*

Tun-greve, (Sax. *Tungeræva*, i. e. *Villæ præpoſitus*,) a Reeve or Bailiff. *Qui in villis (& quæ dicimus Maneriis) Domini perſonam ſuſtinet, ejuſque vice omnia diſponit & moderatur.* Spelman.

Tunnage, alias Tonnage, (*Tunnagium* and *Tonnagium*,) is a Cuſtom or Impoſt due for Merchandiſe brought or carried in *Tuns*, and ſuch like Veſſels, from or to other Nations, after a certain Rate for every *Tun*. *Anno* 12 *H.* 4. *ca.* 3. 6 H. 8. *c.* 14. 1 *Ed.* 6. *ca.* 13. 1 *Jac. ca.* 33. & 12 *Car.* 2. *cap.* 4. It is ſometimes uſed for a Duty due to the Mariners for unloading their Ships arrived in any Havens, after the Rate of ſo much a *Tun*. *Tonnage* and *Poundage* began in the 45th of *Edward* the Third. *Cottoni Poſthuma*, *fol.* 172. See 4 *Inſt. fol.* 32.

Tunnocellum, *Tinmouth*.

Turbagium. *Et decimam de* Turbagio *de una Snathfeld.* 1 Mon. *fol.* 632. *b.* A Place where *Turfs* are digged; or the Liberty of digging *Turfs*.

Turbary, *Turbaria*, From *turba*, an obſolete *Latin* Word for a Turf: Is a Right to dig Turfs on another Man's Ground. *Kitchin*, *fol.* 94. And *Common of Turbary* is a Liberty which ſome Tenants have by Preſcription to dig on the Lord's Waſte. *Turbaria* is alſo taken ſometimes for the Ground where Turfs are digged. And you ſhall find an Aſſiſe brought of *Common of Turbary* in 5 *Aſſ. Pl.* 9. & 7 *E.* 3. *fol.* 43. They likewiſe uſed *turbus* for the *Turf*, and *Turbarius* for the *Turfary*. *John de Gray*, Biſhop of *Norwich*, grants the Monks of that Church this Liberty within his Manor of *Elmham*, *Ut fodiant per viſum & liberationem ſervientium illius turbos in* turbariis *ejus, in uſus neceſſarios in domo ſua propria apud Elmham ſine waſto* turbarii *& ſine omni venditione turbarum.* Ex Regiſtr. Eccleſiæ Norwic.

Turkins Is a Sort of Sky-coloured Cloth. 'Tis mentioned in the Statute 1 *Rich.* 2. *cap.* 8.

Turme-

Turmerick, *Turmerica*, Is the Root of an Herb growing in *Arabia*, medicinal againſt divers Diſeaſes in Horſes, and ſometimes uſed for a Man alſo in Caſe of the yellow Jaundice. It is reckoned among the garbleable Drugs, *Anno* 1 *Jac. cap.* 19.

Turn, *Tourn*, Is the Sheriffs Court kept Twice every Year, *viz.* within a Month after *Eaſter*, and within a Month after *Michaelmas*. *Magna Charta*, *cap.* 35. and 3 *E.* 3. *cap.* 15. From this Court are exempted only Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, all religious Men and Women, and all ſuch as have Hundreds of their own to be kept. *Anno* 25 *H.* 3. *cap.* 10. *Britton*, *cap.* 29. calls it *Tour*, *id eſt*, *ambitus*, *circuitus*: It is a Court of Record in all Things that pertains to it. It is the King s Leet through all the Country, and the Sheriff is Judge, and this Court is incident to his Office. See *Cromp. Jur. fol.* 230. and 4 *Inſt. fol.* 260. See *Fleta*, *lib.* 2 *cap.* 52. and *Mirrour of Juſt. lib.* 1. *cap. De turnes.* It is called the *Sheriff's Turn*, becauſe he keeps a *Turn* or Circuit about his Shire, holding the ſame in ſeveral Places. Sir *Jo. Dodridge's Hiſt. of Wales*, *fol.* 50. See *Secta Regalis*.

Turnetum, *Tornetum*, A Tax or Acknowledgment paid to the Sheriff for holding his *Turn* or County-Court. ——— *Abbas & Conventus & Homines ſui ſunt ubiq; quieti de* torneto, *ſed quo Warranto neſciunt.*—— Cartular. Abbat. Glaſton. MS. f. 87. a.

Turney, or Tournament, (French *Tourney*, *i. e. Decurſorium*) Signifies a martial Exerciſe of Knights or Gentlemen fighting on Horſeback one with another in Sport; and is thus defined, *Torneamenta dicuntur nundinæ vel feriæ in quibus milites ex condicto convenire, & ad oſtentationem virium ſuarum & audaciæ, temere congredi ſolent.* This Word is uſed in the Statute 24 *H.* 8. *cap.* 13. but the Thing it ſelf is now diſuſed. But anciently was of ſuch Note among us, that it was uſed as a Kind of Epoch in publick Writings; as, *Habendum a Feſto Sancti Michaelis proximum ante primum* Tourneamentum *fuit tempore Domini Regis Rich. Anno* 1194. Charta penes Eliam Aſhmole, Arm. Theſe martial Exerciſes were very frequent in former Days. The Intent was only to enure Men for the Wars; for they fought with blunt Weapons, and in great Companies: For which Reaſon it differed from another warlike Exerciſe, *Juſts*; for that was a ſingle Combat by one Man againſt another.

Turno Vicecomitum Is a Writ that lies for thoſe that are called to the Sheriff's *Turn* out of their own Hundred. *Reg. of Writs*, *fol.* 173.

Turribulum, *Thuribulum*, The Incenſe Pot or Smoaking Pan of Frankincenſe, uſed in the publick Devotions of the Church of *Rome*.——Among the common Ornaments of every Pariſh-Church, before the Reformation, was —— *Turribulum cum navi.*—— *Paroch. Antiq. p.* 598. The Choriſter or Boy who uſually carried this *Thurible*, was called *Puer thuribularis*. And I have heard it a happy Conjecture of a moſt ingenious Friend, that a *treble Voice* in Muſick was owing to the ſmall and ſhrill Tone of the *Thuribular* or Incenſe-Boy. As the ſaid Boy carrying a little tinkling Bell in one Hand, might poſſibly give the Name of *Treble* to the leaſt Bell.

Twaite Signifies a Wood grubbed up, and turned to arable. *Co. on Lit. fol.* 4.

Twanights Geſte, *Hoſpes duarum noctium*, If he did any Harm to any, his Hoſt was not anſwerable for it, but himſelf. *Hoveden part. poſter. ſuor. annal. fol.* 345. See *Third Night's awne-hinde.*

Twelfhmous, The ſame with *Thanus*. Amongſt the Engliſh *Saxons* every Man was valued at a certain Price; and where an Injury was done either to the Perſon or Goods, a pecuniary Mulct was impoſed, and paid in Satisfaction of that Injury, according to the Worth and Quality of the Perſon to whom it was done. And all Men were ranked into three Claſſes, which ſee in *Hindena*: Thoſe who were worth 1200*s.* were called *Twelfhindi*; and if an Injury was done to him, Satisfaction was to be made according to his Worth.

Twelve Men, *Duodecim homines legales*, Otherwiſe called the *Jury* or *Enqueſt*, is a Number of Twelve Perſons, or upwards, to the Number of Twenty-four, by whoſe Oath as to Matter of Fact all Trials paſs, both in Civil and Criminal Cauſes, through all Courts of the Common Law in this Realm. Firſt, in Civil Cauſes, when Proof is made of the Matter in Queſtion, then the Point of the Fact (that they are to give their Verdict upon) is delivered likewiſe unto them, which we call the *Iſſue*; then they are put in mind of their Oath to do Right, and are by the Judges, who ſum up the Evidence, ſent out of the Court by themſelves, to conſider upon the Evidence on both Sides, until they be agreed, which done, they return to the Court, and deliver their Verdict by the Mouth of their Foreman; according to which (if the Matter be not arreſted or ſtay'd by the Court) the Judgment paſſeth. See *Glanvile*, *lib.* 2. *c.* 14, 15. In *Cauſes criminal* there are Two Sorts of *Enqueſts*, one called the *Grand Enqueſt*, the other the *Enqueſt of Life and Death*. The *Grand Enqueſt* is ſo called, either becauſe it conſiſts of Sixteen at the leaſt, or elſe becauſe all Cauſes Criminal or Penal paſs firſt through them; whereas the other Enqueſt is eſpecially appointed for one or few Matters touching Life and Death committed to their Conſideration. Thoſe of the *Grand Enqueſt* are called by *Bracton*, *Duodecim milites*, *lib.* 3. *tract.* 2. *cap.* 1. *num.* 2. Becauſe they were wont to be Knights, if ſo many could be had: And their Buſineſs is to receive all Preſentments of any Offence, and accordingly to give their Opinion generally, either by writing theſe Words, *Billa vera*, upon the Bill of Preſentment, which is an Indictment of the Party preſented; or elſe this Word *Ignoramus*, which is doubting of the Fact preſented. Now as Criminal Cauſes be of Two Sorts, either capital or finable, ſo is there a double Courſe of theſe Indictments; for in Cauſes only finable, the Party indicted muſt either traverſe the Indictment by denying it, and ſo it is referred to a *Petit Jury*, whereby he is either convicted or diſcharged of the Crime; or elſe if he confeſs it, the Court ſetteth a Fine upon him without more ado. But in Matters of Life and Death, the Party indicted is commanded to hold up his Hand, and anſwer, *Guilty* or *Not Guilty*; if *Guilty*, he ſtandeth convicted by his own Confeſſion; if *Not Guilty*, he is farther referred to the Jury of Life and Death, who conſider upon the Proof brought againſt the Priſoner, and accordingly bring in their Verdict; according to which he is either condemned or acquitted. Of this read more in *Indictment*, *Aſſiſe*, *Jury*. See the

the Stat. 35 *H.* 8. *cap.* 6. & 37 *H.* 8. 22. 2 *E.* 6. 32. and 5 *Eliz. cap.* 25.

Twelhende, *Twihende*, *Twyhind*, *Twyhindman.* Under our *Saxon* Government all Perſons had ſuch an Eſtimate or Value put upon their Heads, according to their Quality or Degree, and according to ſuch Eſtimation were reduced to their diſtinct Claſſis, Rank or Order. The loweſt Order was that of the Ceorls or Husbandmen, who were valued at 200 Shillings, and called *Twihunde-men:* The Middle, that of the leſſer Thanes or Free-holders, who were valued at 600 Shillings, and thence called *Syxhundemen.* The Higheſt, that of the Thanes or Noblemen, who were rated at 1200 Shillings, and called *Twelfhundemen.* For which, ſee the Laws of King *Alfred*, *cap.* 12, 30, 31, 32. and of King *H.* 1. *cap.* 76. and 87.——— *Siqua Lucia vel ordinata perſona, aut eorum quiſpiam, qui patria lingua* Twelfhende *vel* Twihende *nominatur, aliquam adverſus Eccleſiam hanc voluiſſet calumniam machinari.* Hiſt. Rameſ. Edit. Gale, cap. 57.

Tyhtlan, Accuſation, Impeachment, or Charge of any Treſpaſs or Offence. As in the Laws of King *Ethelred*, *cap.* 2. *Nec componat aliquis pro ulla* tyhtlan, *ſi non interſit teſtimonium Præpoſiti Regis.* There is a Miſtake in the Laws of King *Canute*, as publiſhed by *Brompton*, *cap.* 56. *Siquis amicis deſtitutus vel alienigena ad tantum laborem venerit, ut plegium non habeat, in prima* thilac (it ought to be *tyhtlan*) *id eſt, accuſatione ponatur in carcanna, & ibi ſuſtineat donec ad Dei judicium eat.*

Tylwith Is a *Britiſh* Word ſignifying, *Familia, Famulitium, Tribus*, and is derived either from *Tyle, i. e. locus ubi ſtetit domus vel locus ædificandæ domui aptus*, or elſe from *Tylath*, which ſignifies *Trabs, tignus:* In the firſt Derivation it ſignifies a Place whereon to build a Houſe, and in the ſecond a Beam in the Building. And *Tylwith* is a Tribe or Family branching or iſſuing forth of another, which we in our *Engliſh* Heraldry call *Second or Third Houſes:* So that in Caſe the great paternal Stock branched it ſelf into ſeveral *Tylwiths*, or Houſes, they carry no ſecond or younger Houſe his *Tylwith* farther; and the Uſe of theſe *Tylwiths* was to ſhew not only the Originals of Families, as if their Work had been merely to run over a Pedigree, but the ſeveral Diſtinctions and Diſtances of Birth, that in Caſe any Line ſhould make a Failure, the next in Degree may make an unconfounded Uſe of their Intereſt, according to the Rules of Partition in *Gavelkind.*

Tymber of Skins Is Forty Skins. *Book of Rates, fol.* 18.

Tympeny, *Abbas & Monachi Rading.*——— *ſint quieti de tributis & laſtagiis & ſtallagiis, de Thethingpeny &* Tympeny, *de ſummonitionibus de aſſiſis & ſuper aſſiſis, &c.* In Memorand. Scac. de Anno 20 E. 3. int. Record. de Trin. Rot. 3. It is elſewhere written *Tympeny.* Mon. Ang. 1 par. fol. 419.

Tyne,——— *Puer quidam ſubmerſus in vaſe aquario quod Gallice* Tyne *vocatur.*——— Liber de Miraculis Tho. de Cantilupe, Epiſcop. Hereford. MS. penes D. D. Will. Glynne Baronettum.

Typhes. See *Tithes.*

Typhla. See *Tibla.*

V.

V Is a numeral Letter, and ſtands in reckoning for Five; and among the antient *Romans* was uſually written alone as a *Prænomen*, as *M. V.* for *Marcus Valerius*, and the like; whereof, among *Latin* Writers, you may find plentiful Examples.

Vacaria, A void Place, or waſte Ground.——— *Dedimus omnia dominica noſtra quæ ſunt in Com. Lanc. cum* vacariis *& foreſtis de Wireſdale & Lounſdale.* Memorand. in Scacc. Mich. 9 Ed. 1. by Sir *John Maynard.*

Vacarton, *Vacatio*, Is all the reſpective Time betwixt the End of one Term and the Beginning of another. When ſuch Times began and ended in our Anceſtor's Days, ſee *Roger Hoveden's Annals, part. poſter. fol.* 343. where you ſhall find that this Intermiſſion was called *Pax Dei & Eccleſiæ.* Alſo the Time from the Death of a Biſhop, or other Spiritual Perſon, till the Biſhopriek, or other Dignity, be ſupplied with another, is called *Vacation. Weſtm.* 1. *cap.* 21. & 14 *E.* 3. *cap.* 4, 5. See *Plenarty* and *Non-Term.*

Vacatura, A Voidance, or Vacancy, of any Eccleſiaſtical Benefice that ſhall hereafter happen. As *prima vacatura*, the firſt Voidance, *proxima vacatura, &c.*

Vacca lactaria, A Milch-Cow.——— *Et præterea ad tres* vaccas lactearias *& ad unum Palefridum in mea dominica paſtura.* Reg. Priorat. de Wormley, MS. f. 49.

Vaccarr, alias **Vacchary**, (*Vaccaria*, al. *Vaccharia, Vachiria*, and *Vacheria*) Is a Houſe or Place to keep Cows in. *Fleta, lib.* 2. *cap.* 41. *Domus ſive locus quo* vaccæ *aluntur, vel quo negotium quod ad eas attinet perficitur. Spelm.* a Dairy-Houſe or Cow-Paſture. Without Warrant, no Subject may have a *Vaccary* within the Foreſt. *Cromp. Jur. fol.* 194. But in the Stat. 37 *Hen.* 8. *cap.* 16. *Vacchary* ſeems to be a ſpecial Name of a certain Compaſs of Ground within the Foreſt of *Aſhdown.* And we read of the *Vaccary* of *Wyreſdale* in *Com. Lanc.* Rot. Fin. 35 Edw. 3. m. 23.

Vaccarius, The Cow-herd, or Herds-man, who looks after the common Herd of Cows. See his Office deſcribed in *Fleta, lib.* 2. *cap.* 2. This Officer is ſtill in *French* called *Vacher.*

Vachibia, A Vachary, a Dairy.——— *Dedit eis unam carrucatam terræ*——— *& unam* vachiviam *de* 40 *vaccis cum ſecta earum per tres annos, & paſturam ad* 500 *Oves cum ſecta earum per tres annos.* Mon. Angl. Tom. 3. p. 15.

Vadium, Wages, Salary, or other Reward of Service upon Compact or Covenant.——— *Philippus Epiſcopus Elien. &c. Noveritis nos conceſſiſſe Waltero Farnham*——— *officium cuſtodis palatii noſtri Elien.* ———*& 11 denarios per diem pro* vadiis *ſuis pro officio ſupradicto*——— *Dat.* 1. *Apr.* 7. H. 6.——— Ex Cartulario Eccl. Elien. MS. penes Joh. Epiſc. Norwic. f. 56.

Per Vadium ponere, To take Security, Bail, or Pledges for the Appearance of a Delinquent in ſome Court of Juſtice.——— *Edwardus Rex Vicecomiti Oxen. Salutem, Præcipimus tibi ſicut alias tibi præcepimus quod* ponas per vadium *& ſalvos plegios Johannem de Burey.* Paroch. Antiquit. pag. 334.

In Vadio exponere, To pawn, or leave any Equivalent as a Pledge or Surety of returning Money borrowed or owing: *In vadiam ponere*, has the same Sense.

Vadium mortuum, Literally a Mortgage, Lands or immoveable Goods so pawned or engaged to the Creditor, that he has a Right to the mean Profits for the Use of his Loan or Debt. See *Glanvile*, *lib.* 10. *cap.* 8.

Vadiare duellum, To wage a Combat; that was when a Person challenged any other to decide a Controversy by Camp-Fight or Duel, and threw down a Gauntlet, or the like Sign of Defiance, which if the other took up, this was *vadiare duellum*, as it were to give and take a mutual Pledge of fighting.

Vadlat Seems to be the same with *Valet*. *A tous ceus que cetes lettres verront ou orrent* Gilbert Talbot *salutz en dieu. Sachez moy aver assignez & plein poer done a mon cher* Vadlat, Johan de Lunhales *de purchaser en mon nom dis* Liverees de terre *a lestente en Counte de Hereford, & la seisine la terre reserver & en mon nom continuer, tanquil eit autre mandement de moy. En tesmoigniance, &c. dat.* 10 *Martii.* 1 *Ed.* 3. Ex Regist. Priorat. de Wormley penes Edw. Harley, mil. Balnei.

Vadum, A Ford, or wading Place, and are to ford or wade over. *Vadibilis*, fordable or passable. But I have seen it thus used,—— *Et quod homines sui faciant fidelitatem ad* Vadum *Parci praedicti R.* Carta antiqua.

Vaga, The River *Medway*.

Vagabond, (*Vagabundus*) One that wanders about, and has no certain dwelling; an idle Fellow. Rogues, *Vagabonds*, and sturdy Beggars, mentioned in divers Statutes.—— *De* Vagabundis *& aliis hominibus mendicantibus, qui se nominant* Travelyng-men, *&c.* Carta 22 Hen. 6. m. 34. n. 36. *Item utimur, quod nullus* Vagabundus *vagetur seu deambulet de nocte in villa seu suburbio ejusdem post pulsationem Campanæ nostræ communis, vocatæ* Coverfu; *& si aliquis ibidem capiatur post pulsationem dictæ Campanæ, ducatur ad Gaolam Domini Regis, & ibi morabitur usque in crastinum, ut notitia personæ suæ habeatur, & emendas faciet ad voluntatem Ballivorum & Comburgensium, & per Balivos Capitales liberetur, si hoc petat.* MS. Codex de Legibus & Statutis Burgi-villæ Mountgomer. a tempore Hen. 2.

Vagantes For *Vacantes*. *Concilium Worm. cap.* 32. *De Episcopis & Presbyteris* Vagantibus *qui Parochias non habent, &c.* So *Vagantes terræ* are forsaken and uncultivated Lands.

Vage. See *Waga*.

Vagipalantes, The same with *Vagans*. *Leg. H.* 1. *cap.* 83. *Si quis in hostem suum incidat vel* Vagipalantem, *&c.*

Vagnatæ, *Maidstone* in *Kent*.

Valet, Valet, or Vadelet, Vadlat and Vallet, (*Valettus vel valecta. Qui juxta dominum* vadit *seu ministrat.* French *Valet.*) A Servitor, or Gentleman of the Privy-Chamber, according to *Camden*. But *Selden* (in his *Titles of Honour*, *fol.* 831.) says, *Valets* antiently signified the young Heirs which were to be Knighted, or young Gentlemen of great Descent or Quality, but now attributed to those of the Rank of Yeomen. In the Accounts of the *Inner Temple* it is used for a Bencher's Clerk, or Servant; the Butlers of the House corruptly call them *Varlets*. In *Reg. of Writs*, 25. *b. Valettus. If the Sheriff be a* Vadelect *of the Crown, &c.* Coke on Littl. fol. 156. *Sciant—— Quod ego Henricus Comes Lancastriæ, Leicestr. & Nichol. Senescallus Angliæ Dedimus ——— Dilecto* Valetto *nostro Johanni le Blount novem acras terræ cum pertin. in Holland in Foresta nostra de Duffeld, &c. Dat. apud Hegham Ferrers* 3 *die Junii* 5 *Ed.* 3. Penes Wal. Kirkham Blount, Bar.

Valet Was antiently a Name specially denoting young Gentlemen, though of great Descent or Quality, but now given to those of the Rank of Yeomen. *Selden's Titles of Honour, fol.* 831. *De dominabus & de* Valectis *& puellis, quæ sunt vel esse debent in donatione Regis, & de valentiis terrarum suarum; & si quis eorum vel earum sit maritatus, &c.* Bracton, lib. 3. Tract. de conn. cap. 1. par. 3. So in the same Chapter, *De* valettis *integrum feodum militis habentibus*, which shews that *valetti* were the Sons of Men of Quality. So *Fortescue in Laud. Leg. Angliæ, cap.* 29. *Sunt* valeti *plurimi in regione illa qui plusquam sexcenta scuta expendere possunt, &c.*

Valentia, *i. e.* The Value or Price of any Thing. *Malmsbury in vita, S. Adhelmi, cap.* 10. *Hoveden, pag.* 783. See *Value*.

Valesheria, *i. e.* The Kindred of the Slain, one on the Father's Side, and another on the Mother's Side, to prove that he was a *Welshman*: It is mentioned *in Statuto Walliæ, Anno* 12 *E.* 1. *cap.* 4. *Proximæ* 4 *villatæ propinquiores loco, ubi casus homicidii contigerit, veniant ad proximum Comitatum una cum inventore &* Walesheria, *i. e. parentale interfecti, & ibi præsentent factum feloniæ, &c.*

Vallum, The *Pict's* Wall.

Value, *Valentia*, *Valor*, Is a known Word, yet *West* in his *Symbol*, *part* 2. Tit. *Indictments*, *sect.* 70. nicely distinguishes between *Value* and Price: His Words are these: The *Value* of those Things in which Offences are committed, is usually comprised in Indictments, which seems necessary in *Theft* to make a Difference from *Petit Larceny*, and in *Trespass* to aggravate the Fault, and increase the Fine: but no Price of Things *feræ naturæ*, may be expressed, as of Deer, Hares, *&c.* if they be not in Parks and Warrens, which is a Liberty. *Anno* 8 *E.* 4. *fol.* 5. nor of Charters of Land. And where the Number of the Things taken are to be expressed in the Indictment, as of young Doves in a Dove-house, young Hawks in a Wood, there must be said (*pretii*) or (*ad valentiam*) but of divers dead Things *ad valentiam*, and not *pretii*; of Coin not current it shall be *pretii*; but of Coin current it shall neither be said *pretii* nor *ad valentiam*, for the *Value* and Price thereof is certain.

Value of Marriage, *Valore maritagii*, Was a Writ that lay for the Lord, having proffered covenable *Marriage* to the Infant, without Disparagement, if he refused to take the Lord's Offer, to recover the *Value of the Marriage*. Reg. Orig. fol. 164. Old Nat. Brev. fol. 90. See *Palmer's* Case, *Co. lib.* 5. *fol.* 126. and the Statute 12 *Car.* 2. *cap.* 24.

Vang, He *vanged* for me at the Vant, *i. e.* he stood for me at the Font. The Word *Vanga* also signifies a military Weapon like a Spade. *Gervas. Dorob. Anno* 1198. *Unde factum est ut rustici imperiti* Vangis *& fossariis assueti, armis militaribus gloriantur inviti, &c.*

Vana, In the Ordination of the Vicarage of *Ayskerth*, made 27 *Apr.* 1423.——— *Vicarius percipiet——* 16 *acras terræ in campis de Ayskerth prope eandem Ecclesiam constitutas, prout jacent in eisdem campis de Ayskerth simul in longitudine ab extremitate orientali*

orientali de le Mankeſleto versus occidentem & le Gille uſque vanam *fere uſque ad Midilkenel in le Sour myre eynge, &c.* Collectan. Matth. Hutton, S. T. P. ex Regiſtris Archid. Richmond.

Vantarius, *Præcurſor*, As *Vantarius Regis*, the King's Fore-footman: *Richardus Rokeſle miles tenebat terras Seatoniæ per Serjantiam eſſe* Vantarium *Regis in Goſcoigne, donec peruſus fuit pari ſolutarum tretii* 4 d. *i. dum triviſſet par calceorum pretii* 4 d. Rot. de finibus, Term. Mich. 2 Ed. 2.

Vanys, Saxon *Fana*. Latin *Vannus*. A Fane or Vane, a verſatile Ornament on the Top of a Houſe, or other Building, to ſhew the turning and ſitting of the Wind.——— *Cum duobus ventilogiis, videlicet*, vannys *de Tyn emptis de fabro de Oterlton ponendis ſuper utrumque finem prædicti dormitorii v ſol. ii den.* Paroch. Antiquit. pag. 575.

Vares, *i. e. Mus ponticus*, Whoſe Skin is good Fur.

Et quas huc mittit varias *Hungaria pelles.*

It is mentioned in *Hoveden, pag.* 642. *Et quod nullus poſt proximum paſcha utatur* Vario, *vel griſio, vel ſabellino, vel eſcarlata.*

Vargi. See *Wargi*. Perſons outlawed, who live by Robbery. *Cambden* in his *Britannia*, tells us, that the *Britons* called a Rogue or Robber *Verjad*, from whence this Word proceeds.

Variance, *Variatio*, Signifies an Alteration, or Change of Condition, after a Thing done: As the Commonalty of a Town make a Compoſition with an Abbot, and after obtain Bailiffs by Grant from the King. In this Caſe, if the Abbot commence any Suit for Breach of the Compoſition, he muſt *vary* from the Word (*Commonalty*) ſet down in the Compoſition, and uſe *Bailiffs and Commonalty*. Bro. *Tit.* Variance, fol. 292. It is alſo uſed for an Alteration of ſomething formerly laid in a Plea. See *Variance* in the *New Book of Entries.*

Varis, *Bodvary* in *Flintſhire*.

Varlets, By a repealed Statute of 20 *Rich.* 2. *cap.* 2. were uſed for Yeomen or Yeomen-Servants. See *Valects*, and the Statute 3 *Car.* 1. *cap.* 4. *Will. Hunt* Varlect del Chambre *noſtre Seigneur le Roy. Clauſ.* 12 R. 2. *M.* 43. *in Dorſo.* I ſuppoſe it miſwritten for *Valet*.

Vaſſet, *Vaſſettus*, Seems to ſignify a Ward, as appears by a Par. 1 H. 3. *in Dorſo M* 13. *Concordia inter Regem & Radulphum de Normanvil, viz. quod Rad. tenebit in ſervitio Regis Geroldum & Radulphum milites filios ſuos, quamdiu guerra ſua duraverit, per ſic, quod Rex ei remittat* 200 *Marcas quas debebant Regi Johanni de fine pro redemptione dicti Geroldi & per ſic deberetur; Thomas filius dicti Radulphi* Vaſſettus *in cuſtodia Regis, qui ſimiliter morabatur in ſervitio Regis cum prædictis Geroldo & Radulpho fratribus ſuis.*

Vaſſal, *Vaſſallus* Signifies him that holds Land in Fee of his Lord, we call him more uſually *a Tenant in Fee*, whereof ſome owe Fidelity and Service, and are called *Vaſſalli Jurati. Skene de verbor. ſignif. verb. Ligeantia*, ſaith, that *Vaſſallus* is divided into *Homologum & non Homologum. Homologus* is he that ſweareth Service with Exception of a higher Lord, and *non Homologus* is he that ſweareth without Exception, all one with *Ligeus*. And the ſame Author, *verb. Vaſſallus*, ſaith, that it is *Vaſſallus quaſi Baſſallus, i. inferior ſocius*, becauſe the *Vaſſal* is inferior to his Maſter, and muſt ſerve and reverence him; and yet he is in a Manner his Companion, becauſe each of them is obliged to the other.

Vaſſelerie, Vaſſalage, or Tenure of Vaſſals.

Vaſto Is a Writ that lies for the Heir againſt the Tenant for Term of Life, or of Years, for making Waſte; or for him in the Reverſion or Remainder. *F. N. B. fol.* 55. *Reg. Orig. fol.* 72. & 76. and *Reg. Judic. fol.* 17, 21, 23, & 69. Vide 6 *E.* 1. *cap.* 5.

Vaſtum, A Waſte or Common lying open to the Cattle of all Tenants who have a Right of Commoning.——— *Thomas de Fekenham debet Regi quinque marcas & unum paleſridum, ſic quod inquiſitio fiat utrum membrum illud de manerio de Bruhal, quod idem Thomas tenet, debeat participare de* vaſto *manerii de Bruhal ratione communis ejuſdem manerii in quo communi nihil habent ut dicunt.* Paroch. Antiq. p. 171.

Vaſtum foreſtæ vel boſci, That Part of a Foreſt or Wood, wherein the Trees and Underwood were ſo deſtroyed, that it lay in a Manner Waſte and Barren. *Sciatis quod de* vaſtis *noſtris in foreſta noſtra de Bernewode in Com. Buck. dedimus, &c.* Paroc. Anti. p. 351. *Si boſcus Domini de Pidinton abeat in* vaſtum, *tum acquietabunt Dominum pro dictis housbote & heybote.* Ibid. p. 497.

Vavaſor, alias **Valvaſor**, Is one that in Dignity is next to Baron. *Cambd. Brit. pag.* 109. *Bracton, lib.* 1. *cap.* 8. ſays thus of them,——— *Sunt & alii potentes Regni, qui dicuntur Barones, hoc eſt, robur Belli: Sunt & alii qui dicuntur* Vavaſores, *viri magnæ dignitatis.* Vavaſor *enim nihil melius dici poterit quam vas ſortitum ad valetudinem.* And *Cambd.* pag. 188. ſays, *Primis etiam Normannorum temporibus & Thani proximi a Comitibus in dignitate cenſebantur, &* Valvaſores *majores (ſi illis qui de feudis ſcribunt, credimus) iidem fuerunt Barones.*——— *Rex, &c. Ballivis Petri de Pratellis de Inſula Gerſe & Gernſe, &c. volumus*———*quod Epiſcopi, Abbates, Abbatiſſæ, Clerici, Milites*, Vavaſſores, *& alii qui redditus & tenementa habent in inſula Gerſey, &c. quintam partem reddituum ſuorum unius anni, &c. præbeant ad ſuſtentandum milites & ſervientes qui prædictas Inſulas defendunt.* Pat. 5 Reg. Johannis, m. 7: See more largely of theſe in *Spelman's Gloſſary.*

Vavaſory, *Vavaſoria*, The Lands that a *Vavaſor* held——— *Quod dicitur de Baronia non eſt obſervandum in* Vavaſoria *vel aliis minoribus feodis quam Baronia, quia caput non habent ſicut Baronia.* Bract. lib. 2. cap. 39.

Vautrier, (Fr. *Vaultrier*, Lat. *Veltrarius*) A Man that leads a Lime-hound or Grey-hound for the Chaſe, a Huntſman. *Eſch.* 34 *Edw.* 1. *n.* 37. *Kanc.* Hence our corrupted Word *Feuterer*, for a Dog-keeper.

Veal Money, or **Veal Noble Money**. The Tenants of one of the Tithings within the Manor of *Bradford* in *Wiltſhire*, pay a yearly Rent by this Name to their Lord, the Marqueſs of *Winchcſter*, which is in Lieu of *Veal* paid formerly in Kind.

Vedra Fluvius, The River *Were* in the Biſhoprick of *Durham*.

Veſours, *Viſores*, May be derived from the French *Voir, videre, intueri*, are ſuch as are ſent by the Court to take View of any Place in Queſtion, for the better Deciſion of the Right. *Old Nat. Brev. fol.* 112. So likewiſe *Bracton* uſes it, *lib.* 5. *tract.* 3. *cap.* 8. It ſignifies alſo ſuch as are ſent to view thoſe that eſſoin themſelves *de malo lecti*, whether they be in Truth ſo ſick as they cannot appear, or whether they counterfeit. *Bract. lib.* 5. *tract.* 2. *cap.* 10 & 14. Laſtly, It is

uſed for thoſe that are appointed to view an Offence, as a Man murthered, or a Virgin raviſhed. See *View*.

Veltraria, *Miniſterium de* Veltraria, The Office of Dog-leader or Courſer.——*Henricus de la Mura reddit compotum de* 28l. 6s. 8d. *pro miniſterio Patris ſui de* Veltraria. Rot. Pip. 5 Steph.

Veltrarius, One who leads Greyhounds, which Dogs in *Germany* are called *Welters*, in *Italy Veltro's*, in *France Viautres*, *Vautres*. — *Bertram de Criol tenuit manerium de Setene in Com. Cant. per ſervitium inveniendi unum* Veltrarium *qui tres canes duceret in Vaſconiam quoties Rex transfretaret.*—— Blount *of Tenures*, *pag.* 9. The corrupted Word *Feuterer* is ſtill in ſome Parts of *England* uſed for a Dog-keeper.

Velum quadrageſimale, A Veil or Piece of Hanging drawn before the Altar in *Lent*, as a Token of Mourning and Sorrow.——*Item ad quodlibet altare, cum contigerit miſſam inibi celebrari, ſint ſuperpellicea duo, & unum rochetum*; velum quadrageſimale, *velum nuptiale*, *palla mortuorum*, &c. Synod. Exon. anno 1217. cap. 12.

Venaria Are thoſe Beaſts which are caught in the Woods by hunting. *Leg. Canut. cap.* 108. *Et omnis ſit* venatione *ſua dignus in nemore*, &c. *& abſtineat ab omnibus* venariis *Regis*, &c.

Venatio, The Word was ſometimes uſed for the Exerciſe of Hunting, but more often for the Prey taken, or Veniſon. If any hunted without Licenſe within the Liberties of the King's Foreſts, a ſevere Penalty was impoſed at the next Swainmote; which Fines and Amercements were not allowed to the Foreſter, but commonly reſerved to the King. So when *William Fitz-Nigel* enjoyed ſeveral Privileges as Foreſter of *Bernwode*, it was—— *Exceptis Indictamentis de viridi & venatione, quæ Domino Regi omnino reſervabantur.*—— Paroch. Antiq. p. 73.

Venditioni exponas Is a Writ Judicial, directed to the Under-Sheriff, commanding him to ſell Goods which he hath formerly by Commandment taken into his Hands, for the ſatisfying a Judgment given in the King's Court. *Reg. Judic. fol.* 33. and *anno* 14 *Car.* 2. *cap.* 21.

Venditor Regis, The King's Seller or Saleſman; the Perſon who expoſed to Sale thoſe Goods and Chattels which were ſeiſed or diſtrained to anſwer any Debt due to the King.—— *Philippus de Lardiner clamat eſſe* Venditorem Domini Regis *de feodo in Com. Ebor. de omnibus rebus quæ vendi debent pro debito Domini Regis, vel etiam pro Auro Reginæ: Ita, videlicet, quod ipſe vel certus ſuus Attornatus ibit ad mandatum Vicecomitis de loco in locum infra Com. ſumptibus ſuis ad prædictas venditiones faciendas; & capiat de unaquaque venditione pro feodo ſuo* xxxii *den.* Quo Warrant. Ebor. temp. Ed. 1. Which Liberty was afterwards ſeiſed into the King's Hands for the Abuſe thereof, as appears by the great Roll in the Pipe-Office. *Anno* 2 *Ed.* 2.

Venella Is a narrow or ſtrait Way: It is mentioned in the *Monaſt.* 1 *Tom. pag.* 408. *Quæ quidem terra incipit ad caput cujuſdam* venellæ *quæ quondam jacuit*, &c.

Veneti, *North-Wales.*

Venia Is a Kneeling or low Proſtration on the Ground uſed by Penitents. *Walſingham, pag.* 196. *Rege interim proſtrato in longa* venia.

Per venias *Centum verrunt barbis pavimentum.*

Venire facias Is a Writ Judicial directed to the Sheriff, and goeth out of the Record, and lies where Two Parties plead, and come to Iſſue; for then the Party, Plaintiff or Defendant, ſhall have this Writ directed to the Sheriff, to cauſe Twelve Men of the ſame County, to ſay the Truth upon the *Iſſue* taken. And if this Enqueſt come not at the Day of the Writ returned, then ſhall go a *Habeas Corpora*, and after a Diſtreſs, until they come. *Old Nat. Brev. fol.* 157. See how diverſly this Writ is uſed in the Table of the *Regiſter Judicial*. There is alſo a Writ of this Name, that is *Original*, as appears in *Reg. Orig. fol.* 200. Which *Lamb.* in his *Proceſſes* annexed to his *Eirenarcha*, ſays is the common Proceſs upon any Preſentment, not being Felony, nor ſpecially appointed for the Fault preſented by Statute, whereof he ſets down an Example in the ſame Place. See alſo the *New Book of Entries*, *verb. Enqueſt*, *fol.* 253. and 35 *Hen.* 8. *cap.* 5.

Venire facias tot matronas. See *Ventre inſpiciendo*, and *Lamb. Eirenarcha*, *lib.* 4. *cap.* 14. *p.* 532.

Venitarium, The Hymn-Book or Pſalter, wherein the Pſalm *Venite exultemus Domino* was wrote with muſical Notes, as it was to be ſung at the Beginning of Matins. In the Statutes of the Cathedral Church of St. *Paul's* in *London* it was ordained, *Ut Vicarii de novo recepti & in poſterum recipiendi ſingulis diebus infra annum probationis ſuæ unum Nocturnum Pſalterii ita dicant & attente & ympnarium ac communem Sanctorum hiſtoriam, Invitatoria*, & Venitarium, *adeo diligenter interea repetant quod ea corde tenus otius habeant.* Liber Stat. Eccl. Paul. MS.

Venones, *Highcroſs.*

Venta Belgarum, *Wincheſter.*

Venta Icenorum, *Caſtor* near *Norwich.*

Venta Silurum, *Caerwent* in *Monmouthſhire.*

Ventorium, A Wind-Fan for winnowing Corn. ——*Idem computat in panno ad ſaccos & ad* ventorium *empto* iii *ſol.* vi *den.*—— Conſuetud. domus de Farendon, MS. f. 16.

Ventre inſpiciendo Is a Writ for the Search of a Woman that ſaith ſhe is with Child, and thereby with-holdeth Land from him that is next Heir at Law. *Reg. Orig. fol.* 227.

De Ventre inſpiciendo, Form and Proceſs of it. *Thomas de Aldham* of *Surrey*, Brother of *Adam de Aldham*, claimed his ſaid Brother's Eſtate, but *Joan* Widow of the ſaid *Adam* pleaded ſhe was with Child; whereupon the ſaid *Thomas* obtained this Writ of the King to the Sheriff.—— *Quod aſſumptis tecum diſcretis & legalibus militibus & diſcretis & legalibus mulieribus de comitatu tuo in propria perſona accedas ad ipſum Johannam, & ipſam a prædictis mulieribus coram præfatis militibus videri facias, & diligenter tractari per ubera & per* ventrem, *& inquiſitionem factam certificari facias ſub ſigillo tuo & ſigillo duorum Militum Juſtitiariis noſtris apud Weſtm. T. M. de Pateſhal apud Weſt.* xv *Feb.* Clauſ. 4 H. 3.

Ventrix, For *Ventilatrix frumenti.* Fleta, 2 lib. cap. 82.

Venue or **Venew**, *Vicinetum* alias *Viſnetum*, Is taken for a neighbouring Place, *Locus quem vicini habitant.* For Example, Twelve of the Aſſiſe ought to be of the ſame *Venew* where the Demand is made. *Old Nat. Brev. fol.* 115. and *Anno* 4 H. 4. *cap.* 26. and 25 *Hen.* 8. *cap.* 6. *And alſo ſhall return, in every ſuch Panel upon the* Venire facias, *Six*

Six ſufficient Hundreders at the leaſt, if there be ſo many within the Hundred where the Venue *lies.* See *Viſne.*

Venura Is a Coming or appearing in Court. *Monaſt.* 1 *Tom. pag.* 556. *Et tenetur de venerabili patre Dunelmenſi Epiſcopo in puram, &c. eleemoſynam, & pro una* venura *ad Curiam ipſius Epiſcopi, &c.*

Veragium, Fleta, lib. 2. cap. 4. par. 4. *Ejus eſt de omni præda beſtiarum totam habere* veragium, *i. e.* all the ſpotted Beaſts.

Vero. See *Vert.*

Verderor, *Viridarius*, From the French *Verdeur*, *i. Cuſtos nemoris*, is a judicial Officer of the King's Foreſt, choſen by the King's Writ in the full County of the ſame Shire, within the Foreſt where he dwells, and is ſworn to maintain and keep the Aſſiſes of the Foreſt, and to view, receive and enrol the Attachments and Preſentments of all Manner of Treſpaſſes of Vert and Veniſon in the Foreſt. *Manwood, part* 1. *pag.* 332. His Office is properly to look to the Vert, and ſee it well maintained. *Cromp. Jur. fol.* 165. His Oath, Fee and Authority, you may ſee in *Manwood, part* 1. *pag.* 51. He is to ſit in the *Court of Attachment*, to ſee the Attachments of the Foreſt, to receive the ſame of the Foreſters and Woodwards that preſent them, and then to enter them into their Rolls.

Verdict, *Veredictum, quaſi dictum veritatis*, Is the Anſwer of a Jury made upon any Cauſe, Civil or Criminal, committed by the Court to their Examination: And this is two-fold, *General* or *Special*; A *general Verdict* is that (*Staundf. Pl. Cor. lib.* 3. *cap.* 9.) which is given or brought into the Court in like *general* Terms to the *general Iſſue*; as in an Action of Diſſeiſin, the Defendant pleadeth, *no Wrong, no Diſſeiſin*; then the Iſſue is general, whether the Fact be a Wrong or not, which being committed to the Jury, they upon Conſideration of their Evidence come in and ſay, either for the Plaintiff, that it is a Wrong and Diſſeiſin; or for the Defendant, that it is no Wrong, no Diſſeiſin. A *ſpecial Verdict* is, when they ſay at large, that ſuch a Thing and ſuch a Thing they find to be done by the Defendant or Tenant, ſo declaring the Courſe of the Fact, as in their Opinion it is proved; and as to the Law upon the Fact, they pray the Judgment of the Court: And this *ſpecial Verdict*, if it contain any ample Declaration of the Cauſe from the Beginning to the End, is alſo called a *Verdict* at large, whereof read Examples in *Staundf. ubi ſupra. New Book of Entries, verb. Verdict*, and *Co. on Lit. f.* 228. *Item utimur, quod Balivi & Coronatores Burgi noſtri uſi fuerint & adhuc utuntur recipere* Veredictum *Duodecim Juratorum ex quacunque cauſa infra Burgum noſtrum prædictum ſeu ejus libertatem emergenti ſive contingenti, Seneſcalli præſentia nullo modo expectata.* MS. Codex de LL. & Statutis, Burgi villæ Mountgomer, fol. 15.

Verrebot, A Packet-Boat, or Tranſport-Veſſel. ——*H. Prior Eccleſiæ Chriſti Cant. & Conventus concedunt ſereniſſimæ Dominæ A. Reginæ Angliæ Conſorti Domini Regis totam cuſtumam & redditum—— in villa & portu de Sandwic—— Salvo nobis & noſtris, item Abbati & Conventui S. Auguſtini Cant. & eorum familiæ libero paſſagio in portu prædicto in batello quæ dicitur* Verebote, *ſalva inſuper nobis, &c.* Dat. anno 18 Ed. 1. Ex Regiſtr. Eccleſ. Chriſti Cant. MS.

Verectum, According to *Domeſday* Book, ſignifies Fallow-ground.

Verecundium, Injury, Treſpaſs, Damage.—— *Ea conventione, ut ipſe Calvellus & hæredes ſui ſingulis annis dent cellerario* 52 *ſol. pro omni re, præter tres forisfacturas, id eſt, murdrum & furtum, ſi ipſe Calvellus vel hæredes ſui fecerint, & præter ſi* verecundium *ipſe vel hæredes ſui fecerint Monachis Eccleſiæ vel ſervientibus eorum.*—— Somner of Gavelkind, p. 174.

Verge, *Virgata*, May ſeem to come from the French *Verger, viridarium*, and is uſed here in *England* for the Compaſs of the King's Court, which bounds the Juriſdiction of the Lord Steward of the King's Houſhold, and of the Coroner of the King's Houſe, and that ſeems to have been Twelve Miles Compaſs. *Anno* 13 *Rich.* 2. *ſtat.* 1. *cap.* 3. *F. N. B. fol.* 24. *Britton, fol.* 68, 69. *Co. Rep. lib.* 4. *fol.* 47. See alſo 33 *H.* 8. 12. *Fleta, lib.* 2. *cap.* 4. *ſect.* 1. ſays, This Compaſs about the Court is called *Virgata, a virga quam Mariſhallus portat ut ſignum ſuæ poteſtatis. Verge* hath alſo another Signification, and is uſed for a Stick or Rod, whereby one is admitted Tenant, and holding it in his Hand, ſwears Fealty to the Lord of a Manor, who for that Cauſe is called *Tenant by the* Verge. *Old Nat. Brev. fol.* 17. and *Lit. lib.* 1. *cap.* 10.

Verge of Land, *Virgata terræ*, 28 Ed. 1. *Statute of Wards.* See *Yard-land.*

Vergers, *Virgatores*, Are ſuch as carry white Wands before the Juſtices of either Bench. *Fleta, lib.* 2. *cap.* 38. Otherwiſe called *Portatores Virgæ.*

Verlucio, *Warminſter.*

Verolamium, *Verulam* near St. *Albans.*

Vero'æ, Some Diſtemper incident to Sheep. ——*Cui apparuit Dominus Dicens, Filiole, quid facis hic? & reſpondit, Domine, cuſtodio Oves meas de* verolis *& clauſike—— ſalventur Oves iſtæ de* verolis *& clauſike & omnibus aliis infirmitatibus in honore Domini noſtri Jeſu Chriſti, Amen.* Fragment of a Legend *in Conſuetud. Domus de Farendon, MS. f.* 48.

Verometum, *Borough-hill*, in *Leiceſterſhire.*

Veronica, When our Saviour was led towards the Croſs, the Likeneſs of his Face was formed on his Handkerchief in a miraculous Manner, which is ſtill kept and adored in St. *Peter's* Church at *Rome*, and called *Veronica.* The Word is mentioned in *Mat. Paris*, and *Mat. Weſtm. Anno* 1216. and again in *Mat. Paris, pag.* 514. and in *Brompton*, 121.

Verrere, To turn up the Earth, *Si parci* verrant *pratum alienum, dominus illorum tenetur omnes verrificationes implere frumento.* Statut. W. R. Scotiæ. cap. 24.

Vert, *Viride*, Made of the French *Verd, viridis*, otherwiſe called *Green-hue*, ſignifies in the Foreſt Laws every Thing that grows and bears *green* Leaf within the Foreſt that may cover a Deer. *Manwood*, 2 *par. fol.* 6 & 33. And it is divided into *Overt-vert* and *Nether-vert. Overt-vert* is that which our Law Books call *Hault Bois*, and *Nether-vert* is that which they call *South Bois.* And of this you may read *Manwood's* 2 *par. cap.* 6. *per totum.* There is alſo a *Vert* called *ſpecial Vert*, and that is all Trees that grow in the King's Woods within the Foreſt, and all the Trees that grow there in other Mens Woods, if they be ſuch Trees as bear Fruit to feed Deer; which are called *ſpecial Vert*, becauſe the deſtroying of ſuch *Vert* is more grievouſly puniſhed than the Deſtruction of other *Vert* is. See *Manwood, cap.*

cap. 6. *num.* 2. *fol.* 35. *Vert* is alſo ſometimes taken for that Power which a Man hath by the King's Grant to cut green Wood in the Foreſt. See 4 *Inſt. fol.* 317.

Verteræ, *Burgh* upon *Stanemore.*

Verbiſe, Otherwiſe called *Plonkets. Anno* 1 *R.* 3. *cap.* 8. a Kind of Cloth.

Very Lord and **Very Tenant**, *Verus Dominus & verus Tenens*, Are they that be immediate *Lord* and *Tenant* one to another. *Bro.* Tit. *Hariot, fol.* 23. In the *Old Nat. Brev.* and in the Writ *Replegiari de averiis*, you may read theſe Words. *And know ye, that in taking of Leaſes, Six Things are neceſſary, that is to ſay*, very Lord and very Tenant, *Service behind, the Day of the taking; Seiſin of the Services, and within his Fee. And that a Man is not* very Tenant, *until he have atturned to the Lord by ſome Service.* See 19 *H.* 7. *cap.* 15. And ſee *Tenant.*

Veſcíæ, Vetches, Tares. *Idem reddit compotum de* xiii *quarteriis fabarum & veſciarum venditarum.* ——Conſuetud. domus de Farendon, MS. fol. 16.

Veſſes, *Anno* 1 *R.* 3. *cap.* 8. and 14 & 15 *H.* 8. *cap.* 11. otherwiſe called *Set-Cloths*, moſt commonly made in *Suffolk.*

Veſt, Veſtire, *Plenam, poſſeſſionem terræ vel prædii tradere, ſeiſinam dare, infeodare*, ſaith *Spelman.*

Veſta, The Veſt, Veſture, or Crop on the Ground.—— *Prata depaſta ſunt, & aſportaverunt* veſtam *& alias violentias fecerunt.* Hiſt. Croyland. Contin. p. 454.

Veſtimentum, The ſame with *Veſtitura* or *Veſtura*, *i. e.* the putting one in Poſſeſſion: It is mentioned in *Bracton, lib.* 4. *cap.* 1. where, writing of Intruſion, he tells us, *non vallatur aliquo* veſtimento.

Veſtrymen, *Anno* 15 *Car.* 2. *cap.* 5. Are a ſelect Number of the Chief Pariſhioners in every Pariſh within the City of *London* and Suburbs, and elſewhere, who yearly chuſe Officers for the Pariſh, and take Care of its Concernments; ſo called, becauſe they uſually meet in the *Veſtry* of the Church.

Veſture, A Crop of Graſs or Corn. As in the Cartulary of the Abbey of St. *Edmundsbury, MS. fol.* 182.—— *Prior recipit annuatim de Cellerario* ——*de fœno equorum* primæ veſturæ (*i. e.* of the firſt Crop or Mowing) *duas carectas quatuor equorum*—— & *de* ſecunda veſtura (*i. e.* of the Second Crop or After-math) *duas carectas, &c.* The Word was often uſed for a Veſt, Veſture, Livery, Delivery; *i. e.* an Allowance of ſome ſet Portion of the Products of the Earth, as Corn, Graſs, Wood, *&c.* for Part of the Salary or Wages to ſome Officer, Servant, or Labourer, for their Livery or Veſt. So Foreſters had a certain Allowance of Timber and Underwood yearly out of the Foreſt for their own Uſe.—— *Annuatim percipiendum tantum de roboribus & brueriis quantum pro* veſtura *indiguerint.* Paroch. Antiq. p. 620.

Veſture, *Veſtura*, Signifies a Garment; but in the Law, metaphorically turned to betoken a Poſſeſſion, or an Admittance to a Poſſeſſion or Seiſin; ſo it is taken in *Weſtm* 2. *cap.* 5. And in this Signification it is borrowed of the *Feudiſts*, with whom *Inveſtitura* ſignifies a Delivery of Poſſeſſion by a Spear or Staff, and *Veſtura* Poſſeſſion it ſelf. *Hotoman in verb. Feudal. verb. Inveſtitura.*

Veſture of an Acre of Land, *Anno* 14 *E.* 3. *ſtat.* 1. is the Profit of it. So in *extenta Manerii*, 4 *Edw.* 1. It is inquirable, *How much the* Veſture *of an Acre is worth, and how much the Land is worth when the Wood is felled.*

Vetitum Namium, *Namium*, Signifies a Taking or Diſtreſs, and *Vetitum* forbidden; as when the Bailiff of a Lord diſtrains Beaſts or Goods, and the Lord forbids his Bailiff to deliver them when the Sheriff comes to replevy them, and to that End drives them to Places unknown; or when without any Words they are ſo cloined, as they cannot be replevied. Divers Lords of Hundreds and Courts-Baron have Power to hold Plea *De vetito namio*, in old Books called *De vet.* 2 *Inſt. fol.* 140. *Matilda de Mortuo Mari clamat in manerio de Mawerdon duos* Law-days, *& Infangentheft, & placita de* Namio vetito *ſine brevi Domini Regis.* Int. Record. in Theſaur. Scacc. in quadam baga de Quo War. tit. Glouc. Heref. Sir *Henry Spelman* ſays, it is *Antiqua Juris noſtri locutio, & brevis Regis nomen.* See *Naam.*

Veſſery, Theſe were a Sort of great Veſſels or Ships formerly in uſe here: We read of them in *Brompt. Chron.* 1195.

Veſſingi, The Kings of the *Eaſt Angles* were ſo called from King *Uffa*, who lived in the Year 578. *Mat. Weſtm.*

Via militaris, A Highway: *Quæ publica dici poterit, & ducit ad mare & ad portum & quandoque ad mercata*, as *Bracton* tells us, *lib.* 4. *cap.* 16. *par.* 7. and *Fleta, lib.* 4. *cap.* 6. *par.* 3.

Via Regia, The Highway, or common Road, called the King's Way, becauſe authoriſed by him, and under his Protection. It is called *Regia, quæ ſemper aperta, quam nemo conclaudere poteſt cum minis ſuis, quia ducit in civitatem, vel Burgum vel portum Regis.* And as to the Breadth, *Via Regia tanta vero debet eſſe ut inibi duo carri ſibi poſſint obviari, & bubulci de longo ſtumbli ſui poſſint aſſimulare.* Leg. Hen. 1. cap. 80.

Vicar, *Vicarius*, The Prieſt of every Pariſh is called *Rector*, unleſs the predial Tithes be impropriated, and then he is called *Vicar, quaſi vice fungens rectoris. Sciant*——*quod ego Johannes Webbe* perpetuus Vicarius *Eccleſiæ Parochialis de* Bromyard, *dedi*—— *Domino David Hay* perpetuo Vicario *Eccleſiæ Parochialis de* Anenebury *duas acras terræ, &c.* Dat. 8 H. 5. They ſtiled themſelves *Perpetui vicarii*, becauſe they were not appointed by the Impropriator, and licenſed by the Biſhop to read Service, but preſented by the Patron, and received Canonical Inſtitution at the Hands of the Ordinary; and ſo had conſtant Succeſſions, as Corporations, and never died. The Canoniſts mention four Species of *Vicars. Quidam ſunt* Perpetui, *ad Parochiales Eccleſias conſtituti; Quidam non* perpetui, *ſed ad aliquos actus conſtituti, ut temporales; & iſti dicuntur* mercenarii: *Quidam ſunt* ſpeciales, *non ad curam ſed ad certum locum, articulum vel actum conſtituti: Quidam nec* perpetui, *nec ad curam, nec ad certum actum, ſed generaliter dantur ad omnia.* See *Vocab. utriuſq; juris, verb. Vicarius*, and *Kennet's Gloſſary.*

Vicario deliberando occaſione cujuſdam Recognitionis, &c. Is a Writ that lies for a ſpiritual Perſon impriſoned, upon Forfeiture of a Recogniſance, without the King's Writ. *Reg. of Writs, fol.* 147.

Vice-Chamberlain, Called *Under-Chamberlain*, 13 *R.* 2. *ſtat.* 2. *cap.* 1. Is a great Officer in Court, next under the Lord-Chamberlain, and in his Abſence hath the Control and Command of all

all Officers whatſoever appertaining to that Part of his Majeſty's Houſhold, which is called *the Chamber*, or above Stairs.

Vicecomes, A Sheriff: We are told (under that Title) that he was formerly choſen by the Freeholders, as Knights of the Shire are now; but it appears by *Forteſcue*, who wrote in the Reign of *H. 6.* that he was choſen then in the ſame Manner as now, *viz.* on the Day after *All-Souls*, the Privy Council, the Judges, and Barons of the Exchequer, and ſeveral other great Officers meet in the Court of Exchequer, and there a Clerk reads the Names of ſeveral Perſons in every County, out of which Three are choſen, whom the Noblemen and Judges think beſt qualified to ſerve in that Office for each County; whoſe Names being preſented to the King, he chuſes one out of the Three, and by Letters Patent appoints him Sheriff for that Year, who, before he enters upon his Office, muſt take an Oath, well and truly to execute it, *&c.*

Vice-Conſtable of England, and **Vice Mareſhall**, See their Office in *Pat.* 22 *Edw.* 4. *Pars* 1. *m.* 2. printed in *Prynn's Animad. on 4th. Inſt. fol.* 71.

Vice-Conſul, The ſame as *Vicecomes*. Leg. Ed. Conf. cap. 12. *Qui modo dicuntur Vicecomites, tunc temporis* Vice-Conſules *vocabantur*; *ille vero dicebatur* vice-conſul *qui conſule abſente ipſius vices ſupplebat in jure & in foro.*

Vice-dominus, The ſame alſo as *Vicecomes*, as *Selden* tells us in his *Titles of Honour*, 2 *Pars*, *cap.* 5. *par.* 20. and in *Leg. Hen.* 1. *cap.* 7. and *Ingulphus* writes, that *Vice-dominus dictus eſt præfectus provincia.*

Vice-dominus Epiſcopi, The Official, Commiſſary, or Vicar-general of a Biſhop.

Vice-dominus Abbatiæ ſeu Eccleſiæ, The Law-Advocate or Protector of an Abbey or Church.

Vicegerent (*Anno* 31 *Hen.* 8. *cap.* 10.) A Deputy or Lieutenant.

Vicinage, *Vicinetum*, French *Voiſinage*, Neighbourhood, near Dwelling. *Mag. Charta*, *cap.* 14. See *Venew*.

Vicinetum. See *Viſne.*

Vicis & venellis mundandis Is a Writ that lies againſt a Mayor or Bailiffs of a Town, *&c.* for the clean keeping their Streets. *Reg. of Writs*, *fol.* 267. *b.*

Vicount, alias **Viſcount**, (*Vicecomes*) Signifies as much as *Sheriff*: Between which Two Words, I find no other Difference, but that the one comes from our Conquerors the *Normans*, the other from our Anceſtors the *Saxons*, of which, ſee more in *Sheriff*.

Vicount alſo ſignifies a Degree of Nobility next to an Earl, which *Cambden* (*Britan. pag.* 170.) ſays, is an old Name of Office, but a new one of Dignity, never heard of among us till *Henry* the Sixth's Days, who in his Eighteenth Year in Parliament, created *John* Lord *Beaumont*, Viſcount *Beaumont*, but far more antient in other Countries. *Caſſan. de Gloria mundi*, *par.* 5. *conſider.* 55. See *Sheriff*. And *Selden's Titles of Honour*, *fol.* 761.

Vicontiel Is an Adjective made of Vicount, and ſignifies as much as belonging to the Sheriff; as Writs *Vicontiel*, are ſuch Writs as are triable in the County, or Sheriff's Court. *Old Nat. Brev. fol.* 109. Of this Kind you may ſee divers *Writs of Nuſance* ſet down by *Fitzherbert* in his *Nat. Brev. fol.* 184 *Vicontiels*, *Vicecomitilia*, are certain Farms for which the Sheriff pays a Rent to the King, and makes what Profit he can of them. See *the Stat.* 33 & 34 *H.* 8. *cap.* 16. 2 & 3 *E.* 6. *cap.* 4. 4 *H.* 5. *cap.* 2. 6 *R.* 2. *cap.* 3.

Vicountiel Juriſdiction Is that Juriſdiction which belongs to the Officers of a County, as Sheriffs, Coroner, Eſcheator, *&c.*

Vicontiel Rents, Mentioned 22 *Car.* 2. *cap.* 6. See *Vicontiel*. The *Vicontiel Rents* uſually came under the Title of *Firma Comitatus*, which were written generally *ſub nomine Vicecom.* without Expreſſion of the Particulars. The Sheriff had a particular Roll of the *Vicontiel Rents* given in to him, which Roll he delivered back with his Accounts. *Vide* Hale *of Sheriffs Accounts*, *pag.* 40.

Vidame, *i. e. Vice-Dominus*, was heretofore the Biſhop's Deputy in Temporals, as the Earl was the King's, in Affairs of the County.

Viduitatis profeſſio, The making a ſolemn Profeſſion to live a ſole and chaſte Widow; of which Cuſtom in *England*, the Practice and Ceremonies attending it are well delivered by Mr. *Dugdale* in his *Antiquities of Warwickſhire*, *pag.* 313, & 654.

Vidimus. See *Innoteſcimus*, *Anno* 15 *Hen.* 6. *cap.* 3.

Vi & Armis, The Expreſſion in a Charge or Indictment, to ſhew the forcible and violent Commiſſion of any Crime.

View, *Viſus*, Signifies the Act of Viewers; for when an Action real or perſonal is brought, and the Tenant knows not well what Land it is that the Demandant asks, then may he pray *the View*; which is, that he may *ſee* the Land which is claimed; of this *Britton* writes, *cap.* 45. This Courſe of proceeding we have received from the *Normans*, as appears by the *Grand Cuſtumary*, *cap.* 66, 80, & 96. This *View* is uſed as in other Caſes, ſo in an Aſſiſe of Rent-ſervice, Rent-charge, or Rent-ſeck. *F. N. B. fol.* 178. and in a Writ *De Curia claudenda*, *Ibid. fol.* 128. In a Writ of *Nuſance*, *Ibid. fol.* 183. In a Writ *Quo jure*, *Ibid. fol.* 128. In the Writ *De rationabilibus diviſis*, *Ibid. fol.* 129. And in the Writ *De ſecta ad Molendinum*, *Ibid.* 123. See the *New Book of Entries*, *verb. View*, and how this *View* is made in *Fleta*, *lib.* 4. *cap.* 5. See *Vejours*, and *Weſtm.* 2. *cap.* 48.

View of Frank-pledge, *Viſus Franci plegii*, Is the Office which the Sheriff in his County-Court, or the Bailiff in his Hundred, performs in looking to the King's Peace, and ſeeing that every Man be in ſome *Pledge*. This is called by *Bracton*, *lib.* 2. *cap.* 5. *num.* 7. *in fine*, *Res quaſi ſacra*, *quia ſolam perſonam Regis reſpicit*, & *quod introductus ſit pro pace & communi utilitate.* Ibid. cap. 16. num. 8. See *Frank-pledge*, *Leet* and *Decennier*. Alſo ſee the *New Book of Entries* on this Word.

Vigil, (*Vigilia Anno* 2 & 3 *Edw.* 6. *cap.* 19.) Is uſed for the Eve, or next Day before any ſolemn Feaſt; becauſe then Chriſtians of old were wont to watch, faſt and pray in their Churches.

Vi Laica amovenda, When the Biſhop of a Dioceſe has certified into the Court of Chancery, that the Rector or Vicar of any Church within his Juriſdiction is kept out of his Manſe, or Glebe, or Church, by any Lay Force or intruding Power; then may a Writ be granted to the Sheriff,

Sheriff, to remove all such Violence and Usurpation, which Writ is therefore so called, *De vi Laica amovenda.*——— *Edwardus Rex Vicecom. Oxon. Salutem. Tibi præcipimus quod omnem* vim Laicam *quæ se tenet in Ecclesia de Bukenhull, quo minus idem Episcopus officium suum spirituale ibidem exercere possit sine mora amoveas ab eadem.*——— Paroch. Antiquit. pag. 335. See *Vi Laica removenda.*

Vi laica removenda Is a Writ that lies where Debate is between Two Parsons or Provisors for a Church, and one of them enters into it with a great Number of Laymen, and holds the other out *Vi & Armis:* He that is holden out shall have this Writ directed to the Sheriff, that he remove the Force. And this Writ is returnable, and shall not be granted, until the Bishop of the Diocese, where such Church is, hath certified into the Chancery such Resisting and Force. For the several Forms of this Writ, see *F. N. B. fol.* 54. and *Reg. Orig. fol.* 59.

Vill, *Villa*, Is sometimes taken for a Manor, and sometimes for a Parish, or Part of it. Villa *est ex pluribus mansionibus vicinata, & collata ex pluribus viciris.* 1 Inst. fol. 115. b. Villa *apud Saxones nostros antiquos Romano sensu accipi videtur pro prædio unius alicujus in rure, cum idoneis ædibus ad reponendos ejusdem fructus honestato. Non autem primitus pro multarum mansionum connexione, quod in oppidis potius expectandum esset, & successivis temporibus* villis *postea introductum est* Spelman. *Vill* and *Parish* shall be intended all one. *Cro. Rep.* 2 *par. fol.* 263. *Wraye's* Case, yet there may be Two *Vills* in one *Parish. Id. fol.* 120. *Storke's* Case. *Bracton* tells us, *Si quis in agro unicum faciat ædificium, non erit ibi* villa; *sed cum ex processu temporis cœperint coadunari & vicinari ædificia.* Lib. 4. cap. 31. And *Fortescue in Laud. Leg. Angliæ, cap.* 24. writes, that the Boundaries of Villages is not by Houses, Streets, or Walls, but by a large Circuit of Ground, within which there may be several Hamlets, Waters, Woods and waste Ground. *Fleta* likewise mentions the Difference between a Mansion, a Village, and a Manor, *viz.* a Mansion may be of one or more Houses, but it must be but one Dwelling-place, and none near it; for if other Houses are contiguous, then it is a Village; a Manor may consist of several Villages, or of one alone. *Lib. 6. cap.* 51.

Villa Faustini, St. *Edmund's Bury.*

Villa Regia, A Title given to those Country Villages, where Kings of *England* had a Royal Seat or Palace, and held the Manor in their own Demesne, and had there commonly a free Chapel, not subjected to Ecclesiastical Ordinary Jurisdiction. So *Brill, Com. Buck.* was a *Villa Regia.* So was *Hedingdon, Com. Oxon. &c.* Paroch. Antiq. p. 53.

Villain, *Villanus*, Signifies as much as *Servus* amon the *Civilians.* A Man of servile or base degree, from the French *Vilain, vilis*, or from the Latin *Villa*, a Country Farm, whereto they were deputed to do Service: Of these Bond-men or *Villains*, there were Two Sorts in *England*, one termed a *Villain in gros*, who was immediately bound to the Person of his Lord and his Heirs. The other a *Villain* regardant to a Manor, whom the Civilians term *Glebæ ascriptitium*, being bound to his Lord as a Member belonging and annexed to a Manor, whereof the Lord was Owner. *Smith de Rep. Anglor. lib.* 3. *cap.* 8. *Old Nat. Brev. fol.* 8. and *Bracton, lib.* 1. *cap.* 6. *num.* 4. He was properly a pure *Villain*, of whom the Lord took Redemption to marry his Daughter, and to make him free; and whom the Lord might put out of his Lands and Tenements, Goods and Chattels at his Will, and beat and chastise, but not maim him. There are not truly any *Villains* now, tho' the Law concerning them stands unrepeal'd. We have hardly heard of any Case in *Villenage* since *Crouche's* Case in *Dyer.* And *Spelman* says, *Servorum & Nativorum apud nos sublata est conditio, & quas ideo possidebant terras vel prædia, hodie libere tenent sub antiquæ servitutis consuetudinibus.* See *Kennet's Glossary.*

Omnibus——— *Frater Matthæus Abbas de Heleswoeign & Conventus ejusdem loci salutem. Noveritis nos unanima voluntate & consensu fecisse Johannem del Grene de Rugeakur liberum, cum tota sequela sua procreata & procreanda, & cum omnibus catallis suis habitis & habendis. Ita vero quod præfatus Johannes, cum tota sequela sua procreata & procreanda, & cum omnibus catallis suis habitis & habendis,* ab omni jugo servitutis *liberi maneant imperpetuum. In cujus rei testimonium huic literæ libertatis sigillum nostrum appossuimus.* Dat. 31 Ed. 3. Ex ipso Autographo penes Johannem Winford Mil.

Villain Estate or Condition, Contradistinguished to free Estate. *Stat.* 8 *H.* 6. 11. They were called *Villani* from *Villa*, because they dwelt in Villages; they were also called *Pagenses* and *Rustici, a ruribus quæ excoluerunt*; and they were of that servile Condition, that they were usually sold with the Farm to which they respectively belonged; so that they were Slaves and used as such, and kinder Usage made them insolent.

Quando mulcetur, villanus *pejor habetur,*
Pungas villanum, *polluet ille manum,*
Ungentem pungit, pungentem rusticus ungit.

The Proverb is known.

Villanis Regis subtractis reducendis Is a Writ that lay for the Bringing back of the King's Bondmen, that had been carried away by others out of his Manors, whereto they belonged. *Reg. Orig. fol.* 87.

Villata, The same with *Villa.*

Villein Fleeces, Are *Fleeces* of Wool, that are shorn from scabbed Sheep. 31 *Edw.* 3. *cap.* 8.

Villeinous Judgment, *Villanum judicium*, Is that which casts the Reproach of Villany and Shame upon him against whom it is given, as a Conspirator, *&c. Staundf. Pl. Cor. lib.* 3. *c.* 3. *c.* 12. *fol.* 175. This *Lamb.* in his *Eirenarch. lib.* 1. *cap.* 13. *pag.* 63. calls *Villeinous Punishment*, and says, it may be well called *Villeinous*, because the *Judgment* in such Case shall be like the antient *Judgment* in *Attaint*, as is said, *Anno* 4 *H* 5. *Fitzh. Judgment* 220. And in 27 *Lib. Ass. Pl.* 59. set down to be, that they shall not be of any Credit afterward, nor lawful for them in Person to approach the King's Court, and that their Lands and Goods be seised into the King's Hands, their Trees rooted up, and their Bodies imprisoned, *&c.* And at this Day the Punishment appointed for Perjury (having somewhat more in it than corporal or pecuniary Pain, stretching to the Discrediting the Testimony of the Offender for ever) may be Partaker of this Name. This, and such like, is elsewhere termed *Vile & odibile judicium.* Vide *Pillory.*

Villenage, *Villenagium*, Cometh of Villain, and ſignifies a ſervile Kind of Tenure belonging to Land or Tenements, whereby the Tenant was bound to do all ſuch Services as the Lord commanded, or were fit for a Villain to do. *Ubi ſciri non poterit veſpere, quale ſervitium fieri debet mane.* For every one that held in *Villenage*, was not a Villain or Bondman: Villenagium *vel ſervitium nihil detrahit libertatis, habita tamen diſtinctione, utrum tales ſunt* Villani *& tenuerint in* Villano *ſoccagio de Dominico Domini Regis.* Bract. lib. 1. cap. 6. num. 1. The Diviſion of *Villenage* was into *Villenage by Blood*, and *Villenage by Tenure*. Tenure in *Villenage* could make no Freeman *Villain*, unleſs it were continued Time out of Mind, nor free Land make a *Villain* free. *Bracton, lib.* 2. *cap.* 8. *num.* 3. divides it into *Purum* villenagium, *a quo præſtatur ſervitium incertum & indeterminatum, ubi ſciri non poterit veſpere, quale ſervitium fieri debet mane, viz. Ubi quis facere tenetur quicquid ei præceptum fuerit*; The other he calls *Villanum ſoccagium*, and was tied to the Performance of certain Services agreed upon between the Lord and Tenant, and was to carry the Lord's Dung into his Fields, to plough his Grounds at certain Days, to reap his Corn, plaſh his Hedges, &c. As the inhabitants of *Bickton* were bound to do for thoſe of *Clun-Caſtle* in *Shropſhire*, which was afterwards turned into a Rent, now called *Bickton-Silver*, and the Service excuſed.

There were likewiſe *Villani Sokmanni*, which were thoſe who held their Lands in Soccage, and there were *Villani adventitii*, who were thoſe who held Lands by performing certain Services expreſſed in their Deeds. *Bracton, lib.* 2. *cap.* 8.

Will. Maynard, qui tenuit terras in Heurſt, cognoſcit ſe eſſe Villanum *Abbatis de Abbendon, & tenere de eo in* Villenagio *& per villanas conſuetudines, viz. per ſervitium* 18 d. *per annum & dandi Maritagium & Marchetum pro filio & ſorore ſua, ad voluntatem ipſius Abbatis, & faciendi omnes villanas conſuetudines.* Pla. 34 Hen. 3. Rot. 20. Berks. *Copyholders*, or Tenants by Copy, is but a new Name; for antiently they were called Tenants in *Villenage*, or of baſe Tenure. *Fitz. Nat. Brev. fol.* 28. C.

But the Slavery of this Cuſtom hath received its Death's Wound, *in favorem libertatis:* For Sir *Edward Coke* out of *Forteſcue* hath this Note, *Impius & crudelis judicandus qui libertati non favet*; And gives this as the Reaſon of it, *Angliæ jura in omni caſu dant favorem libertati*; The Senſe of Liberty was of ſo great Force and Power, and the Favour due unto it according to *Law* and *Right* of ſo great Reſpect, that thoſe and the like Preſſures have received Change and Alteration.

Vinagium, *i. e. Tributum a vino*, A Payment of a certain Quantity of Wine inſtead of Rent, to the Chief Lord for a Vineyard. *Mon. Angl.* 2 *Tom. pag.* 980. See *Citation.*

Vindelis, *Winchelſea.*

Vindogladia, *Winburne* in *Dorſetſhire.*

Vindonum, *Silcheſter.*

Vinnet, A Kind of Flower or Border, which Printers uſe, to beautify printed Leaves in the Beginning of Books. See *Anno* 14 *Car.* 2. *cap.* 33.

Vinonium, *Binchester* in the Biſhoprick of *Durham.*

Virecinum, *Wroxceſter* in *Shropſhire.*

Virga, A Rod or white Staff, ſuch as Sheriffs, Bailiffs, &c. carry as a Badge or Enſign of their Office.——— *Rauf ap Howel ap Philip Præpoſitus de Llantiſſin amerciatus pro eo quod habuit in manu ſua coram Juſticiariis hic* virgam *nigram & inhoneſtam, ubi habere debuiſſet* virgam *albam & honeſtam de certa longitudine prout decet.* Seſſ. Itin. de Cardiff. 7 Mart. 7 H. 6.

Virga alnaria, A Yard meaſured according to the legal Ell or true Standard.——— *Terra mea continet de latitudine in fronte ſeptem* virgas alnarias *& dimidiam cum pollice interpoſito.* Cartular. Radinges, MS. f. 120.

Virga ferrea ductilis.—— *Civitas Glouc. reddebat C.* virgas ferreas ductiles *ad clavos navium Regis.* Domeſday, *i. e.* Iron drawn out into ſmall Rods for making Nails.

Virga ferrea,——— *Sciant* ——— *quod ego Hamundus Urri dedi*——— *Nich. filio Edde pro* 8 *s. ſterlingis, quos mihi dedit præ manibus, unam placetam terræ meæ in vico verſus Duſtelee, quæ jacet inter terram meam & terram Philippi filii Heylin, cujus latitudo in fronte continet in ſe* xvi virgas ferreas *præter unum quarterium, & totidem aretro, &c.* Ex libro Chart. Priorat' Leominſtr. This was ſo many Yards, according to the King's Standard in the Exchequer, which antiently was of Iron, now Braſs.

Virgata terræ, Otherwiſe *Virga terræ*, A Yardland. *Reg. Orig. fol.* 167. *Decem Acræ* terræ *faciunt ſecundum antiquam conſuetudinem, unam ferdellam, & quatuor ferdellæ faciunt* virgatam. *MS. Codex.* Virgata terræ *ex* 24 *acris conſtat, quatuor* Virgatæ *Hidam faciunt, quinque hidæ feodum militis.* Chron. Tho. Redburn. See *Yard-land.* See *Kennet's Gloſſary.*

Virgatores ſervientes, So *Fleta* calls Vergers or Tipſtaves that attend the Judges. See *Vergers*, and *Serjeants at Arms.*

Virgultum (*Lat.*) Is uſed for an Holt, or Plantation of Twigs, or Oziers, and ſometimes for a Coppice of young Wood.——— *Et præterea concedo* Virgultum *meum & totam Communiam Dominii mei.* Mon. Ang. 3 Par. f. 12. a. But in another Place of the *Mon. Angl.* 1 *Tom. pag.* 760. it may be taken for *Virgata, viz. Dedit prædictæ Eccleſiæ unum* Virgultum *Terræ in manerio de Cumptone, &c.*

Viridario eligendo Is a Writ that lies for the Choice of a *Verderer* in the Foreſt. *Reg. Orig. fol.* 177.

Viride or Viridis Is the ſame with *Vares, i. e. pellis varia:* It is mentioned in *Bracton, lib.* 3. *cap.* 26. *Abſtulit ei, &c. unam robam de* Viridi, *talis pretii, &c.*

Viridis Roba Is a Coat of many Colours, for in the old Boods *viridis* is uſed for *varius.* Bracton lib. 3. cap. 16.

Virilia, The privy Parts of a Man, the cutting off which was Felony by the Common Law, whether the Party conſented or not. *Bracton, lib.* 3. *fol.* 44. *Henricus Hall & A. uxor ejus capti & detenti in Priſona de* Evilcheſter, *eo quod rectati fuerint, quod ipſi abſciderunt* virilia *Johannis Monachi, quem idem Henricus deprehendit cum prædicta A. uxore ejus.* Rot. Oikuſ. 15 H. 3. m. 9.

Virocomium, *Wroxceſter.*

Viſcount. See *Vicount.*

Vis, Force; ſo we ſay, *Vi & Armis*, by Force of Arms; and this Force is Five-fold, *vis impulſiva, ablativa, expulſiva, turbativa & inquietativa:* Vis *ablativa* is the Taking away of moveable Things: And hence accrues an Action, *quare Vi & Armis*, &c. Vis *compulſiva*, by which a Man is compelled to do that which otherwiſe he would not do of his own free Will. And from this alſo accrues an Action; *Vis expulſiva* is, when any one is caſt out of his Poſſeſſion by Force and Arms. *Vis turbativa* is, when any one is diſturbed in his Poſſeſſion, as when Two ſtrive to poſſeſs the ſame Thing. *Vis inquietativa* is, when one Man will not ſuffer another quietly to enjoy his Right, or to do a Thing in his own Bounds or Limits. And from all theſe, ſome Sort of Action will ariſe.

Viſitation, *Viſitatio*, Is that Office or Action that is performed by a Biſhop in every Dioceſe once every Three Years, or by the Archdeacon once a Year, by *viſiting* the Churches and their Rectors, &c.—— *Ut populus illorum curæ commiſſus ſalubriter a paſtoribus & ordine gubernetur.* Reform. Leg. Eccleſ. fol. 124. *Ne quid detrimenti capiat Eccleſia*, ſays another Author.

Viſitation of Manners, *Viſitatio morum*, Was wont to be the Name of the *Regarders* Office in antient Time. *Manwood, part* 1. *pag.* 195. See *Regarder.*

Viſne, *Vicinetum*, Signifies a Neighbour-place, or a Place near at Hand. *Anno* 19 *R.* 2. *c.* 6. *Dicitur* Vicinetum *in jure noſtro locus quem vicini habitant, qui olim intelligebantur de eadem villa ſive adjacentibus, atq; alias de eodem Hundredo vel proximis; modo vero de eodem pago, ſive Comitatu, hoc eſt, compagenſes.* Spelman. See *Venew.*

Viſus, View, Inſpection.—— *Capiant de boſcis ſuis quod neceſſe iis fuerit ſine waſto, & hoc per* viſum *foreſtarii ſui & viridariorum ſuorum.* Rog. Hoveden, p. 784. See *View.*

Viſu Franci plegii Is a Writ to exempt him from coming to the *View of Frank-pledge*, who is not reſident within the Hundred; for Men are bound to this *View*, by Reaſon of their Habitation, and not of Lands held where they dwell not. *Reg. Orig. fol.* 175.

Victeler or **Victualer**, *Victualarius* or *Vitellarius*, Is he that ſells Victuals; for whom there is a Writ in *Fitzh. Nat. Brev. fol.* 172. If they exerciſe their Trade, bearing a Magiſtracy in any Town Corporate. We call now all Common Alehouſe-Keepers generally by the Name of *Victuallers.*

Viva pecunia, Antiently uſed for live Cattle. See *Pecunia*,

Vivary, *Vivarium*, Signifies a Place of Land or Water, where living Creatures are kept. In Law it ſignifies moſt commonly a Park, Warren, Fiſh-pond or Piſcary. *Co.* 2 *Inſt. fol.* 100. *Hæc eſt conventio inter Priorem & Conventum Canonicorum de Rudham & Rogerum de Glanvilla, de Molendino & ſtagno de Thorp, ſc. quod Canonici reddent annuatim præfato Rogero* 7 *Sol. quemadmodum pater ejus Robertus de Glanvilla ſolebat habere tempore Michaelis Prioris; & ſi Rogerus de Glanvilla fuerit in Ruſton vel uxor ejus, ipſe poterit piſcari in* Vivario *abſque Waſto cum Batello Canonicorum*, &c. Anno 1171. 8 Maii. MS. penes Gul. Dugdale, Mil.

Viva voce. See *Depoſition.*

Vlcus, *i. e.* A Hulk, or Ship of Burthen, *Leg. Ethelredi Regis, cap.* 23. *Si major* (*navis*) *& habet ſiglas,* 1 *den. ſi adveniat Ceol vel* uleus *& ibi jaceat,* 4 *denar. ad theloneum dentur.*

Vlnarenſes leges, The Laws of *Oleron. Mare clauſum, fol.* 222. See *Oleron Laws.*

Vlnage. See *Alnage.*

Vlna ferrea, The Standard-Ell of Iron kept in the Exchequer for the Rule of Meaſure—— *Totam terram illam quæ continet in fronte ſecus vicum Regium occidentalem in latitudine* 44 *ulnas de* ulnis ferreis *Johannis Regis Angliæ, & in capite orientali verſus campum.*—— 127 *ulnas de eiſdem* ulnis. Mon. Angl. Tom. 2. p. 383.

Vltagium, Violence, Outrage,—— *Juſticiarius ſex milites de Northampton ad videndum & plenius cognoſcendum illud incomparabile* ultagium *tranſmiſit.* Hiſt. Croyland. Contin. p. 454.

Vmple: It is mentioned in the Statute 3 *Ed.* 4. *cap.* 5. and it ſignifies fine Linen.

Vnare, *Inter conſuetudines de Cokefeld*—— *debet falcare unum pratum Domini vocatum Overeanmedwe a mane uſque ad nonam pro uno opere, & dein levare & unare dictum pratum quod falcaverit.*—— Cartular. Sancti Edmundi, MS. b. 388. where *Unare* or *Unnare* can mean nothing more than to *Inn*, or get in or make up the Hay fit for Carriage.

Vnceaſefath: This is an obſolete Word, mentioned in *Leg. Inæ, cap.* 37. *viz.* He who kills a Thief, may make Oath that he killed him in flying for the Fact, *& parentibus ipſius occiſi juret* Unceaſefath, that is, that his Kindred will not revenge his Death: From the Saxon *Ceas, litis*, and *Un*, which is a negative Particle, and ſignifies without, and *Ath*, which is Oath, *i. e.* to ſwear that there ſhall be no Contention about it.

Vncia terræ, Vncia agri. Theſe Phraſes often occur in the Charters of the *Britiſh* Kings, and ſignify ſome Meaſure or Quantity of Land. ——*Sciendum eſt quod Gurcant Rex filius Convin dedit Junapeio* (it ſhould be *Lunapeio*) *Epiſcopo & Sanctis Dubricio & Teliavo & Eccleſiæ Landaviæ —— podum Louden cum tribus* unciis *agri & cum ſua tota libertate.* Mon. Angl. Tom. 3. pag. 198. It was the Quantity of 12 *modii*, and each *modius* poſſibly 100 Foot ſquare.—— *Intuendum eſt nobis quod Catuath*——*agrum trium modiorum, id eſt, quartam partem* unciæ agri, *immolavit Deo*, &c. Ibid. pag. 205.

Vncore priſt Is a Plea for the Defendant, being ſued for a Debt due at a Day paſt, to ſave the Forfeiture of his Bond, ſaying, that he tendred the Debt at the Time and Place, and that there was none to receive, and that he is ſtill ready to pay the ſame. 7 *E.* 6. 6. 83 *Dyer.* See *Unques Priſt.* See alſo *Perkins, ſect.* 783, 784. and *Co. lib.* 9. *fol.* 79. *Peytor's* Caſe.

Vncuth Is a *Saxon* Word ſignifying as much as *Incognitus*, unknown, and is uſed in the old *Saxon* Laws for him that cometh to an Inn Gueſtwiſe, and lies but one Night. In ſuch Caſe his Hoſt was not bound to anſwer for any Offence that he committed, whereof he was guiltleſs himſelf; but if he lay there a Second Night, then he was called *Gueſt*, *Hoſpes*, and then muſt the Hoſt anſwer for him, as for one of his own Family. And if he tarried any longer, then he was called *Agenbine*, that is, *Familiaris*, whom if he offend againſt the King's Peace, his Hoſt was to ſee him forth-coming; or if he could not bring him out within a Month and a Day, he muſt ſatisfy for his Offences. *Lamb. Archaion. fol.* 133. *num.* 7. And *Bracton, lib.* 3. *cap.* 10. *num.* 2. writes thus of the ſame, *Item ſecundum antiquam conſue-*

consuetudinem dici poterit de familia alicujus, qui Hospes fuerit cum alio per tres noctes; quia prima nocte poterit dici Uncuth; *secunda vero*, Guſt, *tertia nocte* Hogenehine. See *Third-night-awne-hine.*

Unde nihil habet Is a Writ, concerning which, ſee *Dote unde nihil habet.*

Under-Chamberlain of the Exchequer Is an Officer there that cleaves the Tallies, written by the Clerk of the Tallies, and reads the ſame, that the Clerk of the Pell, and the Comptrollers thereof, may ſee their Entries be true. He alſo makes Searches for all Records in the Treaſury, and hath the Cuſtody of *Domeſday* Book. There be Two Officers there of this Name.

Under-Eſcheater, *Sub-eſcheator*, *Anno* 5 *E.* 3. *cap.* 4. See *Eſcheater.*

Under Sheriff, *Sub-vicecomes.* See *Sheriff.*

Underſitter Is an Inmate. See *Inmate.*

Undertakers Were ſuch as the King's Purveyors employed as their Deputies. *Anno* 2 & 3 *Ph. & Mar. cap.* 6. And ſuch as *undertake* any great Work, as draining of Fens, &c. *Anno* 43 *El. cap.* 11. See 12 *Car.* 2. *cap.* 24. 13 *Car.* 2. *cap.* 8. 14 *Car.* 2. *cap.* 20.

Under-Treaſurer of England, *Vice-theſaurarius Angliæ*, Anno 39 Eliz. 7. This Officer, as ſome think, was firſt created in the Time of *Henry* the Seventh, to eheſt up the King's Treaſure at the End of every Term, and to note the Content of Money in each Cheſt, and to ſee it carried into the King's Treaſury in the Tower, for the Eaſe of the *Lord Treaſurer*, as being a Thing too mean for him to be troubled with, and yet fit to be performed by a Man of great Secrecy and Truſt. He, in the Vacancy of the *Lord Treaſurer's* Office, doth all Things in the Receipt, &c. But this Officer, in the Opinion of others, is far more antient. Yet named *Treaſurer of the Exchequer* in the Statutes till Queen *Elizabeth's* Time, where he is termed *Under-Treaſurer of* England. Yet *Anno* 35 *Eliz.* he is alſo written *Treaſurer of the Exchequer:* Read the Statutes 8 *E.* 3. *ſtat.* 2. *cap.* 17. 27 *E.* 3. *ſtat.* 2. *cap.* 18. 1 *Rich.* 2. *cap.* 5. 4 *Hen.* 4. *cap.* 18. 8 *Hen.* 6. *cap.* 17. 27 *Hen.* 8. *cap.* 11.

Undges, Minors, or Perſons under Age. *Ante ætatem* 21 *annorum robuſti vel habiles ad arma ſuſcipienda pro patriæ defenſione non reputantur, & ideo* Undres *dicuntur, & ſub tutela Dominorum interim remanebant.* Fleta, lib. 1. cap. 9.

Unfrid: One who hath no Quiet or Peace.

Ungeld, A Perſon ſo far out of the Protection of the Law, that if he were murthered no *Geld* or Fine ſhould be paid, or Compoſition made by him that killed him. As in the League between King *Athelred* and *Anelun*, *cap.* 3. *Si frithman, i. e. homo pacis frigiat vel repugnet, & ſe nolit judicari, ſi occidatur jaceat* ungeld, *i. e. inſolutus.*

Ungilda Aker: This is mentioned in *Brompton, Leg. Æthelred. pag.* 898. and it ſignifies almoſt the ſame as *Ungeld*, *viz.* where a Man was killed attempting any Felony, he was to lie in the Field unburied, and no pecuniary Compenſation was to be paid for his Death: From the Sax. *Un*, without, *Gilda*, *ſolutio*, and *acera*, *ager.*

Uniformity, *Uniformitas*, One Form of Publick Prayers and Adminiſtration of Sacraments, and other Rites and Ceremonies of the Church of *England*, to which all muſt ſubmit; preſcribed by the Statutes 1 *Eliz. cap.* 2. & 14 *Car.* 2. *cap.* 4.

Union, *Unio*, Is a combining or conſolidating of Two Churches into one, which is done by the Conſent of the Biſhop, the Patron, and the Incumbent: But there are Two other Sorts of it, as when one Church is made ſubject to the other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the Chapter *Licet de locato & conducto*, in *Lindewode's Provincials*, *ſect. & quia.* In the firſt Signification by the Statute 37 *H.* 8. *cap.* 21. it was made lawful to make an *Union*, or Conſolidation of Two Churches in one, whereof the one is not above Six Pounds in the King's Book of the Firſt-Fruits, and not above one Mile diſtant from the other. And by another Statute made 17 *Car.* 2. *cap.* 3. It ſhall be lawful for the Biſhop of the Dioceſe, Mayor, Bailiff, &c. of any City or Corporate Town, and the Patron or Patrons, to *unite* Two Churches or Chapels in any ſuch City, Town, or the Liberties thereof: Provided ſuch *Union* ſhall not be good, if the Churches ſo *united* exceed the Sum of One Hundred Pounds *per Annum*, unleſs the Pariſhioners deſire otherwiſe, &c.

Unity of Poſſeſſion, *Unitas poſſeſſionis*, Is called *Conſolidatio fructus & proprietatis* in the Civil Law, and ſignifies joint *Poſſeſſion* of Two Rights by ſeveral Titles. As for Example, If I take a Leaſe of Land from one upon a certain Rent, and afterwards I buy the Fee-ſimple; this is an *Unity of Poſſeſſion*, by which the Leaſe is extinguiſhed, by Reaſon that I, which before had the Occupation only for my Rent, am become Lord of the ſame, and am to pay my Rent to none but my ſelf.

Univerſity, *Univerſitas*, Is moſt uſually taken for thoſe Two Bodies which are the Nurſes of Learning and Liberal Sciences in this Kingdom, *viz. Oxford* and *Cambridge*; endowed with great Privileges, as appears not only by *Anno* 2 & 3 *P. & M. c.* 15. 13 *El. c.* 21 18 *El.* 6. but much more by their ſeveral Charters granted by divers Pious and Munificent Kings of this Land. See 14 *Car.* 2. *cap.* 4.

Unlage, A *Saxon* Word denoting a wicked or unjuſt Law, in which Senſe the Word is read in *Leg. Hen.* 1. *cap.* 34, 84.

Unlawful Aſſembly, *Illicita Congregatio*, Is the Meeting of Three or more Perſons together, by Force, to commit ſome *unlawful* Act, and abiding together, though not endeavouring the Execution of it, as to aſſault or beat any Perſon, to enter into his Houſe or Land, &c. *Weſt. Symb. part* 2. Tit. *Indictment*, *ſect.* 65. *Lamb. Eiren. cap.* 19. And by the Statute of 16 *Car.* 2. *cap.* 4. and 22 *Car.* 2. *cap.* 1 if Five Perſons, or more, ſhall be aſſembled together, above thoſe of the Family, at any Conventicle or Meeting, under Colour of any Exercife of Religion, it is *unlawful*, and puniſhable by Fines, and otherwiſe, as in the ſaid Statutes is expreſſed.

Unothing. See *Nadering*, Annals of *Waverly. Gale* 136.

Unques priſt, *Always ready*, Is a Plea whereby a Man profeſſeth himſelf *always ready* to do or perform that which the Demandant requires. For Example, A Woman ſues the Tenant for her Dower, and he coming in at the Day offers to aver, that he was *always ready*, and ſtill is to perform it. In this Caſe, except the Demandant will aver the contrary, he ſhall recover no Damages:

mages: When this Plea will ſerve to avoid Charges, and when not, ſee *Kitchen, fol.* 243. See *Uncore priſt.*

Voltrum Is a *Saxon* Word, and ſignifies a weak or infirm Man.

Vocalis, *i. e.* So called, *viz.* by ſuch a Name or Appellation: It is a Word often mentioned in *Matt. Weſtm. Poſthæc Morganus de tribu Wallenſium, & alter nomine Madocus* vocalis *princeps eorum, &c.*

Vociferatio, Out-cry, Hue and Cry.—— *Qui furem plegiatum dimiſerit, qui ei obviaverit, & gratis ſine* vociferatione *dimiſerit, &c.* Leg. Hen. 1. cap. 12.

Voidance, *Vacatio*, Is a Want of an Incumbent upon a Benefice, and this is double, either *in Law*, as when a Man hath more Benefices incompatible; or *in Deed*, as when the Incumbent is dead, or actually deprived. *Bro.* Tit. *Quare impedit, num.* 51.

Voir dire, *Veritatem dicere*, When it is pray'd upon a Trial at Law, that a Witneſs may be ſworn upon a *Voire dire*; the Meaning is, he ſhall upon his Oath ſpeak or declare the Truth, whether he ſhall get or loſe by the Matter in Controverſy; and if he be unconcerned, his Teſtimony is allowed, otherwiſe not.

Voltum, a Vault.—— *Lanfrancus Archiepiſcopus reparavit Eccleſiam, in qua Sanctorum Epiſcorum corpora in aquilonari parte ſuper* voltum *magnum & pulcherrimum impoſuit reverenter.*—— Osbernus de vita Bregwini apud Angl. Sacr. P. 2. pag. 77.

Volumus Is the firſt Word of a Clauſe in the King's Writ of Protection and Letters Patent, *Anno* 1 *Rich.* 2 *cap.* 8. and 13 *Rich.* 2. *cap.* 16. Of Protections, ſome are *Cum clauſula* volumus, and of theſe there are Four Kinds, *viz.* 1. *Quia Profecturus.* 2. *Quia Moraturus. Quia indebitatis nobis exiſtit.* 4. When any one ſent into the King's Service beyond Sea in War, is impriſoned. *Co. on Lit. ſect.* 199.

Voluntary, *Voluntas*, Is, when the Tenant holds at the Will of the Leſſor, or Lord, and that is in Two Manners; one is, when I make a Leaſe to a Man of Lands, to hold at my *Will*, then I may put him out at my Pleaſure, but if he ſow the Ground, and I put him out, then he ſhall have his Corn with Egreſs and Regreſs till it be ripe to cut, and carry it out of the Ground. And ſuch Tenant at Will is not bound to ſuſtain and repair the Houſe as Tenant for Years is. But if he make wilful Waſte, the Leſſor ſhall have againſt him an Action of Treſpaſs. The other *Tenant at Will of the Lord* is, by Copy of Court-Roll, according to the Cuſtom of the Manor; and ſuch a Tenant may ſurrender the Land into the Hands of the Lord, according to the Cuſtom, to the Uſe of another for Life, in Fee, or in Tail; and then he ſhall take the Land of the Lord, or his Steward, by Copy, and ſhall make Fine to the Lord.

Voranta tir. æ, For *Virgata terræ.*

Votum For *Nuptiæ*; ſo *dies Votorum* is the Wedding-Day. *Fleta, Lib.* 4. *cap.* 2. *par.* 16. *Si donatarius ad alia* vota *convolaverat, &c.*

Voucher, *Vocans*, Is *vocabulum artis*, and ſignifies when the Tenant calls another into the Court, that is bound to him to Warranty. *New Book of Entries*, verb. *Voucher*; *Voucher de Garranty.* Brit. cap. 75. And that is either to defend the Right againſt the Demandant, or to yield him other Lands, *&c.* in Value, and extends to Lands or Tenements of Freehold or Inheritance: He that *voucheth* is called *Voucher* (*vocans*) and he that is *vouched* is called *Vouchee*, (*Warrantus*). *Bracton* writes of this at large, *l.* 5. *tract.* 4. *per totum.* And *Litt.* in his Tenures, *cap. ult.* alſo *F. N. B. fol.* 134. And this ſeems in ſome Meaſure to agree to the Contract in the Civil Law, whereby the Vendee bindeth the Vendor, ſometimes in the ſimple Value of the Things bought, ſometimes in the Double, to *warrant* the ſecure enjoying the Thing bought; yet there is this Difference between the Civil and the Common Law, that the Civil Law binds every Man to warrant the Security of that which he ſelleth, which the Common Law doth not, except it be ſpecially covenanted. The Proceſs whereby the *Vouchee* is called, is a *Summoneas ad warrantizandum.* And if the Sheriff return upon that Writ, that the Party hath nothing whereby he may be ſummoned, then goes out another Writ called *Sequatur ſub ſuo periculo.* See *Lamb. Explic. of* Saxon *Words*, verb. *Advocare.* A Recovery with a *ſingle Voucher*, is, when there is but *one Voucher*: And with a *double Voucher*, is, when the *Vouchee* voucheth over, and ſo *a treble Voucher.* There is alſo a *Foreign Voucher*, when the Tenant being impleaded in a particular Juriſdiction, as in *London*, or the like; *voucheth* one to Warranty, and prays, that he may be ſummoned in ſome other County, out of the Juriſdiction of that Court, which might more aptly be called *a Voucher* of a Foreigner. *De forinſecis vocatis ad warrantizandum.* Co. on Lit. fol. 101. alſo *Co. Rep.* 2. *fol.* 50. Sir *Hugh Cholmley's* Caſe. *Voucher* is alſo uſed in the Statue 19 *Car.* 2. *cap.* 1. for a Leiger-Book, or Book of Account, wherein are entered the Acquittances or Warrants for the Accountant's Diſcharge.

Vox. *Vocem non habere* is a Phraſe uſed by *Bracton, lib.* 3. *cap.* 34. *par.* 3. and by *Fleta, lib.* 1. *cap.* 34. *par.* 9. and in *cap.* 38. *par.* 21. and it ſignifies an infamous Perſon, one who is not admitted to be a Witneſs.

Upland, *Uplanda*, High Ground, or as ſome call it *Terra firma*, contrary to Mooriſh, Marſh or low Ground,—— *Duramq; terram novem Miliariis per aquam, de* uplanda, *id eſt, de ſuperiori terra, ſcaphis deferri & paludibus commiſceri juſſit.* Ingulph. Hiſt. Croyland.

Urlare, (*i. e. Orulam vel limbos inſerere.*) it is mentioned in *Mon. Angl.* 3 *Tom. pag.* 317. *Amictus de aurifrigio, &c.* Urlatur *de aurifrigio ſtricto & puro.*

Uſa Is the River *Iſis. Tunc in rectum ad Undefordum, tunc ſurſum in* Uſa *ad Watlingſtreet.* Du Cange. This River was called *Iſis* from the Goddeſs of that Name: For it was cuſtomary amongſt the Pagans to dedicate Hills, Woods, and Rivers, to ſome Goddeſs, and to call them after that Name. And the *Britons* having the greateſt Reverence for *Ceres* and *Proſerpina*, who was alſo called *Iſis*, did for that Reaſon Name this River *Iſis*; and ſhe being the Goddeſs of the Night, from thence they computed Days by Nights, and Years by Months: Of which we have ſtill ſome Remains, as *Seven-night*, *Fortnight*, &c.

Uſage. See *Preſcription.*

Uſe, *Uſus*, In the original Signification is evident enough, but it hath alſo a proper Application in Law, and that is the Profit or Benefit of Lands or Tenements. *Weſt. Symbol. lib.* 1. *ſect.*

48,

48, 49, 50, 51, 52. Every Deed conſiſts of Two principal Parts, namely, *the Premiſſes*, and *the Conſequents*; *the Premiſſes* is the former Part thereof, being all that which precedeth the *Habendum* or Limitation of the Eſtate, which are the Perſons contracting, and the Things contracted. *The Conſequent* is that which follows the Premiſſes, and that is the *Habendum*, in which are Two Limitations: The one of the Eſtate or Property, which the Party paſſive ſhall receive by the Deed: The other of *the Uſe*, which is to expreſs in the ſaid *Habendum* to or for what Uſe and Benefit he ſhall have the ſame Eſtate; and of the Limitation of ſuch *Uſes*, many Precedents are ſet down in the ſame *Weſt. Symbol. part* 1. *lib.* 2. *ſect.* 308 & 327. Theſe *Uſes* were invented upon the Statute of *Weſtm.* 3. *Quia emptores terrarum*, before which Statute no ſuch *Uſes* were known, *Perkins's Deviſes* 528. And becauſe in Time many Deceits were invented, by ſettling the Poſſeſſion in one Man, and the *Uſe* in another; to avoid which, and divers other Miſchiefs and Inconveniences, was the Statute 27 *H.* 8. *cap.* 10. provided, which unites the *Uſe* and Poſſeſſion together. See *Co. lib.* 3. *Chudley's* Caſe, *fol.* 121.

Uſer de Action, Is the purſuing or bringing an *Action*; which in what Place and County it ought to be, ſee *Bro.* Tit. *Lieu & County, fol.* 64

Uſher, *Oſtiarius*, From the French *Huiſſier*, a Door-keeper of a Court, is an Officer in the Exchequer, of which Sort there are Four that attend the Chief Officers and Barons at the Court at *Weſtminſter*, and Juries, Sheriffs, and all other Accountants, at the Pleaſure of the Court. There are alſo *Uſhers* in the King's Houſe, as of the Privy-Chamber, &c. See *Black Rod.*

Uſlackt. See *Utlepe.*

Uſlack, *In Privilegio de Semplingham—— ſint quieti tam ipſi quam homines eorum, &c. de omnibus miſericordiis & amerciamentis & forisfacturis, &c. & de murdro, & latrocinio, & conceilis, & Uſlack, & Hamſoka, Grithbreeh, &c.* In *Keilway's Reports* it is written *Hutlatch.* But *Uſlack* is the ſame with *Utlepe:* It ſhould be wrote *Unflat*, which ſignifies an Eſcape of a Felon; from the Saxon *Utfleon*, *i. e. Aufugere.* It is mentioned in *Mon. Angl.* 2 *Tom.* 127. *Sint quieti, &c. de murdro & latrocinio & conceylis & Utlack & Hamſoka, &c.*

Uſucaption, *Uſucaptio*, The enjoying a Thing by Continuance of Time, or receiving the Profits, long Poſſeſſion or Preſcription.

Uſufructuary, *Uſufructuarius*, One that hath the Uſe, and reaps the Profit of any Thing.

Uſury, *Uſura*, Is the Gain of any Thing above the Principal, or that which was lent, exacted only in Conſideration of the Loan, be it as well Corn, Apparel, Wares, or ſuch like, as Money. And it is derived *ab uſu & are, quaſi uſu æra, id eſt uſus æris, &* Uſura *eſt commodum certum quod propter uſum rei mutuatæ accipitur.* Co. 5 Rep. *Payton's* Caſe. The Statute 13 *Eliz. cap.* 8. alloweth not *Uſury*, but puniſheth the Exceſs of it. And that of 21 *Jac. cap.* 17. expreſly ordains, That no Word in that Law ſhall be conſtrued and expounded to allow the Practice of *Uſury* in Point of Religion or Conſcience. And by the Statute 12 *Car.* 2. *cap.* 13. No Man muſt take above Six Pounds for the Forbearance of One Hundred Pounds for a Year, under the Penalties therein contained. See *Co.* 3 *Inſt. fol.* 151. By the Stat. 3 & 11 *H.* 7. It is called *Dry Exchange.* By a late Statute, 1 *Georgii*, no Man muſt take above Five Pounds for the Forbearance of an Hundred Pounds for one Year. So that though *Uſury* is now allowed, yet in former Times it was ſeverely puniſhed. *In Leg. Edw. Conſeſ. cap.* 37. Uſurarios *quoque defendit Rex Edw. ne remaneret aliquis in toto regno ſuo; & ſi quis inde convictus eſſet, quod fœnus exigeret, omni ſubſtantia propria careret, & poſtea pro exlege habeatur, quoniam* Uſura *radix omnium malorum.* They might diſpoſe of their Goods before Conviction, and whilſt they were living; but after their Death they were confiſcate, ſo as it could be proved he lent Money to *Uſe* within a Year before his Death. *Mat. Pariſ.* 113. But if a Clergyman was an *Uſurer*, his Goods were not to be confiſcated, but were to be diſtributed to pious Uſes.

In thoſe Days *Uſury* was thus defined:

Eſt Uſura *ſuos quiſquis tradit mihi nummos*
Spe lucri, fœnus duplex Uſura *vocatur.*

See *Stat.* 15 *Edw.* 3 *cap.* 5, & 6. 37. *H.* 8. *cap.* 9. 5 & 6 *Edw.* 6. *cap.* 23. &c.

Uſurious Contract Comprehends any Bargain or Contract, whereby any Man is obliged to pay more Intereſt for Money than the Statute allows.

Utas, *Octava*, Is the Eighth Day following any Term or Feaſt, as the Utas *of St. Michael*, *the* Utas *of St. Hillary*, *the* Utas *of St. John Baptiſt*, &c. As you may read 51 *Hen.* 3. concerning general Days in the Bench; and any Day between the Feaſt and the *Octave*, is ſaid to be within the *Utas.* The Uſe of this is in the Return of Writs, as appears by that Statute. *At the* Utas *of the Holy Trinity*, Preamble to the Statute 43 *E.* 3.

Utenſile, (Fr. *Utenſil*,) Any Thing neceſſary for our Uſe and Occupation; Houſhold-Stuff. I find in an antient Record *Uſtilmentum* for *Utenſil*; and in another *Utenalia* for *Utenſils. Item lego Agneti uxori meæ omnia* Utenalia *domus meæ, lignea & æneа.* Teſtam. Johann. Hereford. Anno 1439.

Utfangthef, That is, *Fur extra captus, ſcilicet, extra Dominium vel Juriſdictionem*, Is an antient Privilege or Royalty granted to a Lord of a Manor, by the King, which gives him Power to puniſh a *Thief* dwelling out of his Liberty, and committing *Theft* without the ſame, if he be taken within his Fee. *Bracton, lib.* 2. *tract.* 2. *cap.* 35. ſays thus, Utfangthef *dicitur extraneus latro, veniens aliunde de terra aliena, & qui captus fuit in terra ipſius qui tales habet libertates.* See *Outfangthef.*

Utibannum, There is a Charter of *Maud de Pomerey*, granting to the Church of *Plimpton* in *Com. Devon.* Three Ferlings in the Manor of *Wodeford* for Four Shillings *per annum* on this Condition.—— *Quod ſi murdrum vel Danegeldis vel quodlibet aliud* Utibannum *ſuper manerio de Wodefrod evenerit de iſtis quatuor ſolidis, quicquid de* utibannis *ſuper prædictos* IV *ferlingos evenerit acquietabitur.* Ex Regiſtro de Plimpton, MS. penes Rev. Patrem D. D. Joh. Epiſc. Norwic.

Utlagh, *Utblagus*, An Outlaw, ſignifies *Banzitum extra legem.* Fleta, lib. 1. cap. 47. And in *Mon. Angl.* 2 *par. fol.* 618. we read, *Fuit quidam* Uthlagus *famoſiſſimus partes iſtas frequentans propter iter*

iter commeantium inter Nottingham & Derby *per foreſtam.* See *Outlaw.*

Utlagatio, An Outlawry. *Rex omnibus, &c. Sciatis quod Interdictum, quod vulgariter* Utlagatio *nuncupatur, quod proponi fecimus contra perſonas Eccleſiaſticas, publice revocavimus, proteſtantes id ad Nos de perſonis Eccleſiaſticis minime pertinere.* ——— Pat. 15. Joh. p. 2. m. 8. intus.

Utlagato capiendo quando utlagatur in uno comitatu & poſtea fuerit in alium, Is a Writ, the Nature whereof is ſufficiently expreſt by the Name. See *Reg. Orig. f.* 133.

Utland, *Terra extera* dicebatur *terra ſervilis ſeu tenementalis, quod de præcinctu terrarum Dominicalium quæ* Inland *nuncupata ſunt, in exteriorem agrum rejiciebantur.* Vide *Inland.*

Utlary or Utlawry, *Utlagaria vel utlagatio*, Is a Puniſhment for ſuch as being called into Law, and lawfully ſought, do contemptuouſly refuſe to appear, after an *Original Writ* with a *Nihil habet*, Three Writs of *Capias*, *Alias & Pluries*, returned by the Sheriff *Non eſt inventus*, and an *Exigent* with a *Proclamation* thereupon awarded. And *Bracton* ſays, He muſt be called at Five Counties, a Month between every County, *lib.* 3. *tract.* 2. *cap.* 11. And if he appear not within that Time *pro exlege tenebitur, cum Principi non obediat nec legi, & extunc utlagabitur*; that is he ſhall be pronounced out of the King's Protection, and deprived of the Benefit of the Law. The Effect of this is divers; for if he be *Outlawed* at the Suit of another in a Civil Cauſe, he ſhall forfeit all his Goods and Chattels to the King; if upon Felony, then he ſhall forfeit all his Lands and Tenements which he hath in Fee, or for Life, and his Goods and Chattels; *Et tunc gerit caput lupinum, ita quod ſine judiciali inquiſitione rite pereat & ſecum ſuum judicium portet, & merito ſine lege pereat, qui ſecundum legem vivere recuſaverit, &c.* Bract. lib. 3. tract. 2. cap. 11. And the ſame *lib.* 3. *tract.* 2. *cap.* 14. And *Fleta*, *lib.* 1. *c.* 27, 28. ſay, a Minor or Woman cannot be outlawed: For where a Man is ſaid to be *Outlawed*, a Woman is termed *waived.* F. N. B. 161. How an *Outlaw* is *inlawed* again, and reſtored to the King's Peace and Protection, ſee *Bracton* and *Fleta*, *ubi ſupra.* See *Outlaw.*

Utlepe, *Significat eſcapium, hoc eſt, evaſionem latronum.* Fleta, lib. 1. c. 47. *and* 18 H. 6. Pat. 2. m. 22.

Utrum. See *Aſſiſe.*

Utter-Barriſters, *Juris conſulti*, Are ſuch, who for their long Study, and great Induſtry beſtowed upon the Knowledge of the Common Law, be called from their Contemplation to Practice, and in the Face of the World, to take upon them the Protection and Defence of Clients. Theſe in other Countries are called *Licentiati in jure.* The Time before any one ought to be called to the Bar by the ancient Orders, was heretofore Eight Years, now reduced to Seven, and the Exerciſes done by him (if he were not called *Ex gratia*) were Twelve *Grand Moots* performed in the Inns of Chancery in the Time of the Grand Readings, and Twenty-four *Petty Moots* at the Inns of Chancery in the Term-Times, before the Readers of the reſpective Inns of Chancery. A *Barriſter* newly called is to attend the Six next long Vacations Exerciſe of the Houſe, *viz.* in *Lent* and *Summer*, and is therefore for thoſe 3 Years called *Vacation Barriſter.* And they are called *Utter-Barriſters*, *i.* Pleaders without the Bar, to diſtinguiſh them from Benchers, or thoſe who have been Readers, who are ſometimes admitted to plead within the Bar; as the King, Queen, or Prince's Counſel are.

Vultiva, A Wound in the Face. *Vultivam* 50 *ſol. componat.* And *Vultuarius* ſignifies a Witch; ſo called from making the Image of a Face in Wax, and ſticking Needles in it. From which it was called *Defixio.*

Vultus de Luca, The Image of our crucified Saviour kept at *Lucca* in the Church of Holy Croſs. *Eadmerus*, *lib.* 1, & 2. tells us, That *William* the Conqueror often ſwore *per ſanctum vultum de* Luca, *viz. pag.* 16, 19, 47, 51, 54. And *Malmsbury* writes the ſame Thing, *Lib.* 4. *p.* 121, & 124. and *Lib.* 1, & 3. *De geſtis Pont. Angl. pag.* 217, 277.

Uzella æſtuarium, The Mouth of the River *Parret* in *Somerſetſhire*, near *Huntſpill.*

Uzella, *Leſtythiel* in *Cornwall.*

W.

Waddemole, now called *Wodmell*, and in *Oxfordſhire Woddenell*, a coarſe Sort of Stuff uſed for the covering of the Collars of Cart-Horſes. Mr. *Ray* in his *Collection of Eaſt and South Country Words*, diſcribes it to be a hairy coarſe Stuff, made of *Iſland* Wool, and brought thence by our Seamen to *Norfolk*, *Suffolk*, *&c.* ——— *Et in quinque virgatis de* Waddemole *emptis pro coleris equinis hoc anno* 11 *ſol.* 1 *den.* ———Paroch. Antiq. *p.* 574.

Waftors, *Waftores*, *Edward* the Fourth Conſtituted a Triumvirate of Officers with Naval Power, whom the Patent 22 *Ed.* 4. *membr.* 2. ſtiles *Cuſtodes*, *Conductores* and *Waftores*; and theſe were chiefly to guard our Fiſhermen on the Coaſt of *Norfolk* and *Suffolk.* We ſtill retain the Word to *waft over*, that is, to conduct or convey over Sea.

Waga alias **Waga**, a *Weigh*, which is a Meaſure of Cheeſe, Wool, *&c.* containing Two Hundred and Fifty-Six Pound of *Averdupois:* For by the Statute 9 *H.* 6. *c.* 8. a *Weight of Cheeſe* ought to contain Thirty-Two Cloves, and each Clove Eight Pound, tho' ſome ſay but Seven; *Unam* Wagam *ſalis de ſalinis ſuis de Terineton.* Mon. Ang. 1. par. fol. 515. See *Weigh.* *Lambard* tells us, that a Weight of Wool at *Salisbury* and other Places is but Thirty Pounds. *De priſcis Angl. legibus*, *fol.* 221.

Wage, *Vadiare*, From the French *Gager*, *dare pignus*; Signifies the giving Security for the Performance of any Thing; as to *wage Deliverance*, which ſee in *Gage*, to *wage Law.* See in *Law.* None *wages Law* againſt the King. *Bro.* Tit. *Choſe in Action*, num. 9. See *Co.* on *Lit. fol.* 294. Tit. *Leygager.*

Wager of Law. See *Law.*

Waif or Weyf, *Walvium:* Goods *waived* are ſuch as a Thief having felonioufly ſtolen, and being newly followed with Hue and Cry, or elſe over-charged with the Burden or Trouble of the Goods, for his own Eaſe, and more ſpeedy Flight, flies away, and leaves the Goods behind him; then the King's Officer, or the Bailiff of the Lord of the Manor, (within whoſe Juriſdiction they be left) who by Preſcription, or Grant from the King, hath the Franchiſe of *Waif*, may ſeize

ſeize the Goods ſo *waived* to his Lord's Uſe, except the Owner come with a freſh Suit after the Felon, and ſue an Appeal within a Year and a Day, or give Evidence againſt him at his Arraignment, and he be attainted, &c. In which Caſes the firſt Owner ſhall have Reſtitution of his Goods ſo ſtolen, and *waived*. And though *Waif* is properly ſpoken of Goods ſtolen, yet it may be alſo of Goods not ſtolen: As if a Man be purſued with *Hue and Cry* as a Felon, and he flies, and leaves his own Goods; theſe ſhall be forfeited as Goods ſtolen, and are properly called *Fugitives Goods*, which are not forfeited, till it be found before the Coroner, or otherwiſe of Record, that he fled for Felony. A Thing *pro derelicto habita*, *waived* and forſaken, is *nullius in bonis*. See 29 *Ed.* 3. *Waifs*, *Things loſt*, and *Eſtrays*. *Waif* is derived from the Lat. *Vagus*, and *Eſtray* from *Extrahendo*; the one is defined to be *Pecus vagrans*; the other is of the ſame Nature, becauſe wandring Cattel *extrahuntur alieno ſolo*; and they are ſaid to be *Nullius in bonis ubi non apparet Dominus*; and therefore they belong to the Lord of the Franchiſe where they are found, who muſt cauſe them to be cried and publiſhed in the Markets and Churches near about, elſe the Year and Day does not run to the Prejudice of him that loſt them. *Briton, cap.* 17. Plac. coram Joh. de Berewel & Sociis ſuis Juſtic. Itin. apud Salop. in Octab. Sancti Michaelis 20 Ed. 1. Rot. 29. in Dorſo. *Richardus fil.* Alani *Comes Arundel ſummonitus fuit ad reſpondend. Domino Regi de placito quo Warranto clamat habere placita Coronæ & habere* Wayf *in Manerio ſuo de* Upton *ſubtus* Haweman, &c. *in Com.* Salop. *Et Comes dicit quod ipſe clamat habere* Infangene-thef & Wayf, & *eadem placita & libertates habuerunt ipſe & omnes anteceſſores ſui, & eiſdem uſi ſunt a tempore quo non extat memoria, & eo Warranto clamat*, &c. *Et* Hugo *de* Lowther *qui ſequitur pro Domino Rege dicit quod* Wayf *eſt quoddum groſſum de Corona, ita Coronæ Domini Regis annexum, quod nullus eo gaudere poſſit, niſi inde habeat ſpeciale Warrantum a Domino Rege vel anteceſſoribus ſuis conceſſum.* Wayf i. e. *Si aliquis adduxerit aliqua animalia, ut oves, boves, equos, & hujuſmodi, vel aliquas alias res, & inde ſuſpectus & arreſtatus fuerit a Balivis Prioris donec probaverit per fideles homines, quod illæ res furatæ non fuerant, & ille dimiſſus non redierit: Dictæ res ſeu animalia ſervabuntur per unum annum & unum diem, & ſi ille non redierit & res ſuas eſſe probaverit, erunt Prioris*, &c. *Si aliquis alius venerit, & res ſuas legitime eſſe probaverit, datis expenſis, illas habebit.* Ex Regiſtro Prior. de Cokesford.

Wainable, That may be ploughed or manured, tillable,——*Dedimus*, &c. *in loco qui vocatur* Shiplade *la Moreis & la terræ* wainable *& la Bruere*, &c. Carta Rogeri de Scales, ſine dat.

Wainage, *Wainagium*, May be derived from the Saxon *Wæn*, id eſt, *Plauſtrum*. *And any others Villain than ours ſhall be amerced ſaving his* Wainage, *if he fall into our Mercy.* Mag. Chart. cap. 14. Sir *Edward Coke*, 2 *par. Inſt. fol.* 28. ſays, It ſignifies the Countenance of a Villain; but why not rather the Furniture of his Cart or Wain. See *Gainage* and *Wannage*.

Waiteſee, Tho. Spelman *filius* Johannis, &c. *dicitur tenuiſſe Manerium de* Narborough, *cum tertia parte advocationis Eccleſiæ*, &c. *de Domina Regina ut de Manerio ſuo de* Wingrave *per ſervitium militare & per redditum* 14 s. *pro* Waiteſee, *& Caſtleguarde & valet clare per annum*, 34 li. 17 s. 10. *quadrant.* Patent in Schedula liberationis *Joh.* Spelman fratris ſui. 7 *Aug.* 5 *Eliz.* This might probably be a *Fee* to excuſe his *waiting* at the Caſtle.

Waive, *Waiviare*, Is to forſake. *Reg. Orig.* 277. The *Civilians* term it *Habere pro derelicto*, and ſo *Waiviare feudum ſuum* ſignifies, To *Waive* the Company of Thieves. *Staundf. Pl. Cro. fol.* 26. But this Word properly belongs to a Woman, who is ſaid to be *waived*, as a Man to be *Outlawed. Reg. Orig. fol.* 132. And the Reaſon is, becauſe ſhe cannot be outlawed as a Man is; for a Woman cannot be of the Decennary, which in former Times was accounted to be *in Lege. Many of the King's Leige People* outlawed, *and many* waived *by erroneous Proceſs. Anno* 7 *H.* 4. *c.* 13. See *Utlary*.

Waiviaria Mulieris. See *Waive*.

Wake, *Vigil*, Eve-Feaſt of the Dedication of Churches. See the Original and continued Obſervation of them hiſtorically delivered, in *Kennet's Paroch. Antiquit.* p. 609.

Wakeman, The chief Magiſtrate of the Town of *Rippon* in *Yorkſhire*, ſo called, *quaſi* Watchman. *Cambd. Brit.*

Wakes, (from the Sax. *Wac*, *Temulentia.*) Theſe were the *Vigils* in Dedications of Churches, where Men ſat drinking in the Choir all Night.

Wald, (*Walda.*) See *Weald.*

Walda, A Wood, or wild woody Ground ——*Sexaginta acras terræ, videlicet, quinquaginta acras & unam perticam in manerio noſtro de Suthbrente, cum* Walda *quæ jacet juxta eandem terram.*——Chartular. Abbat. Glaſton. *MS. fol.* 67. *a.*

Waldaga-Wood. *Et debent pro qualibet Swallinga*, (*i. e.* as much as one Plough can till,) 14 *d. per Annum, per Schipperſhere*, (*i. e.* Sheepſhare,) *Timberlode*, (*i. e.* Loading of Timber,) *Bordlode, vel cariare extra Waldam per mare vel per terram ad manerium.* Thorn. anno 1364.

Walecheria for *Vaccaria.*

Wales, *Wallia*, Is Part of *England* on the Weſt-ſide, inhabited by the Off-ſpring of the ancient *Britains*, chaſed thither by the *Saxons*, called in to aſſiſt them againſt the *Picts* and *Scots*: But now they are incorporated to *England.* See *Lamb. Explication of* Saxon *Words*, verb. *Wallus.*

Waleſcus. *Ipſe Epiſcopus Walterus* (*ſcil. Hereſ.*) *habuit unam Hidam* Waleſcam, T. R. E. *vaſtatam.* Domeſday.

Waliſcus, A Servant or any miniſterial Officer; from Sax. *Wealh* a Foreigner or Stranger ——*Si homo* Waliſcus *habeat terræ hidam, wera ſua eſt* 120 *ſol.* ——*Leg. Inæ Regis, c.* 34. —— *Regis equi* Waliſcus, *qui nuntiare poſſit ad eum, weregildum ejus eſt* 200 *ſol. c.* 35.

Walkers Are ſuch as are otherwiſe called *Foreſters. Cromp. Jur. fol.* 145. There are Foreſters aſſigned by the King, who are *Walkers* within a certain Space of Ground aſſigned to their Care.

Wallingford. See *Gallena.*

Walls, *Wallia*, Sax. *Wal.* Lat. *Vallum.*] A Bank of Earth caſt up for a Mound or Boundary. —— *Mando vobis quatenus* —— *juſtitietis meos homines*—— *ut faciant* Wallas *& Wategangas & clanſuras* Wallarum, *ſicut debent facere.* —— Mon. Angl. Tom. 2. pag. 920. *Sea-walls in Romney-Marſh*, &c. *Wallare*, to repair or keep up the ſaid *Walls.*—— *Reddendo inde nobis* 2 *marcas ar-*

argenti ——— *pro omni servitio nisi quod debet* Wallare. *secundum quantitatem illius terræ intus & extra.* ——— Somner of Gavelkind, pag. 191.

Walwiaria mulieris Is as much as *Utlagatio viri.* *Reg. Orig. f.* 132.

Wall or Sea-wall. See *Water-gate.*

Wallesheria or **Walecheria**, ——— *Quod quatuor villatæ propinquiores loci ubi casus Homicidii vel infortunium contigerit, veniant ad proximum Comitatum una cum inventore &* Wallesheria, *i. Parentela hominis interfecti, & ibidem præsentent factum feloniæ & casum infortunii, &c.* I find (saith *Spelman*) in a certain Note, *a Wallesheria*, i. *Parentela interfecti, scil. unus ex parte patris & alius ex parte matris*, and concludes that *significavit* Walliæ *pars ut videtur.* Extenta terrarum Johannis filii Alani, 52 H. 3. viz. de Albo monasterio. *Dicunt quod est ibi* Walecheria, *quæ reddit de annuo redditu* 3 l. 1 s. *ad Festum Sanct. Mich. Item in tota* Walecheria *sunt tres homines, & quilibet eorum debet invenire unum hominem per tres dies in qualibet Septimana a Festo S. Mich. usque ad Festum beati Petri ad vincula.* Esc. 52 H. 3. n. 37.

Wambasarius. See *Gambezon.*

Wang Properly signifies in the *Saxon* Tongue a Field, but we use it it also for the Cheek or Jaw-teeth, which *Chaucer* calls *Wangs* and *Wang-teeth*, according to these Verses,

And in witness that this is sooth.
I bite the wax with my wang tooth.

See *Wong.*

Wanga, An Iron Instrument with Teeth, from Sax. *Wang*, the Jaws. ——— *Idem computat in curtilagio fodiendo xiii den. in bechis, tribulis, &* wangis *emptis & reparandis iii sol. ii den.* ——— Consuetud. Domus de Farendon. *MS. f.* 18.

Wangenetheof. *Maneriolum de* A. *sit quietum de* Gelth & Scotch, *de Wrecho & de* Wangenetheof & *Danegueld, &c.* Pat. 22 H. 4. par. 1. m. 33. *Quære.*

Wannage, (*Wannagium.*) *Eodem anno* (scil. 1198.) *Rex Angl. accepit de unaquaque carucata terræ sive Hyda totius Angliæ 5 Sol. de auxilio, ad quos colligendos misit idem Rex per singulos Comitatus Angliæ unum Clericum & etiam unum militem. Qui fecerunt venire coram se Seneschallos Baronum illius Comitatus, qui juraverunt quot Carucarum* Wannagia *fuerint in singulis villis, &c. Ipsi vero qui electi fuerant & constituti ad hoc negotium Regis faciendum, statuerunt per æstimationem legalium hominum, ad uniuscujusque carucæ* Wannagium, *centum acras terræ.* Hoveden. Annal. par. poster. fol. 443. num. 30. Sec *Wainage. Quod ego* H. *& hæredes mei villas & ædificia &* Wannagia *ad libitum nostrum in terris prænominatis faciemus & claudemus* xl. *acras terræ ad excolendum vel ad tonsandum, ad libitum nostrum.* Mon. Angl. 2 par. *fol.* 612. a. In this last Citation *Wannagia* seems to signify *Wainhouses*, or necessary Out houses for Husbandry. I have also seen *Wannage* used for *Tillage. Reg. de Welbec. fol.* 91. and *Guannagium* in the same Sense. 3 *Mon. f.* 78. *b.*

Wanlassus, In the Manor of *Sutton-Colfield, Com. Warwic.* ——— *qui tenuerunt in bondagii tenura solebant vocari Custumarii, & quotiescunque Dominus ad venandum venerit, illi Custumarii solebant fugare* Wanlassum *ad stabulum in fugatione ferarum bestiarum, i. e.* To drive the Deer to a Stand, that the Lord may have a Shoot. *Blount of Tenures, p.* 140.

Wapentake, or **Wrapentake** Is all one with that we call a *Hundred*, as appears by *Bracton, lib.* 3. *tract.* 2. *c.* 1. *num.* 1. *Convocentur* (he saith) *servientes & Balliui Hundredorum, & per ordinem irrotulentur Hundredarii sive* Wapentachia *& nomina servientium, &c. Nominis autem origo, non ab armorum tractu, ut* Hovedeno *traditum; sed hinc, quod quoties novus esset Hundredi Dominus, ei in subjectionis signum arma redderent vassalli, ut Ranulfo Cestrierfi observatum.* Lib. 1. cap. 5. And *Lambard* in his *Explication of* Saxon *Words*, verb. *Centuria*, is of the same Mind; adding that this Word is specially used in the North-Countries beyond the River *Trent.* And in the Laws of King *Edward the Confessor*, are these Words, *Et quod Angli vocant* Hundredum, *supradicti comitatus vocant* Wapentachium. The Original of the Name *Hoveden* derives *a tactu armorum*, because *cum quis accipiebat præfecturam* Wapentachii, *die statuto in loco ubi consueverant congregari, omnes Majores contra eum conveniebant & descendente de equo suo, omnes assurgebant ei. Ipse vero, erecta lancea sua, ab omnibus secundum morem fœdus accipiebat: Omnes enim quotquot venissent cum lanceis suis ipsius hastam tangebant, & ita confirmabant per contactum armorum pace palam concessa, &c.* But we take it from thence, *Quod quoties novus esset Hundredi Dominus ei in subjectionis signum arma redderent Vassalli.* Ranulph. Cestr. lib. 1. cap. 5. See *Fleta*, lib. 2. cap. 61. sect. *universimode.* Sir *Thomas Smith de Rep. Anglor. lib.* 2. *cap.* 16. says, That anciently Musters were taken of the Armour and *Weapons* of the several Inhabitants of every several *Wapentake*, and from those that could not find sufficient Pledges for their good Abearing, their Weapons were taken away, and given to others. The Statutes 3 *H.* 5. *cap.* 2. 9 *H.* 6. *cap.* 10. and 15 *H.* 6. *cap.* 7. make Mention of *Staincliffe Wapentake* and *Friendless Wapentake* in *Craven*, in the County of *York.* See *Cambd. Brit. fol.* 759. and *Co.* 2. *par. Inst. fol.* 99. Wapentake *hoc est quietancia de sectis & Hundredis quod dicitur* Wapentake, *MS. in Biblioth. Cotton. sub* Tit. Vitellius. See *Kennet's* Glossary. The Word seems to be of *Danish* Original, and to be so called for other Reasons than what is given by Sir *Tho. Smith, viz.* When first this Kingdom was divided into *Wapentakes*, he who was the Chief of the Hundred, and whom we now call a High Constable, as soon as he entered upon his Office, appeared in the Field on a certain Day on Horseback with a Pike in his Hand, and all the chief Men of the Hundred met him there with their Lances, who alighting, they touched his Pike with their Lances; which was a Sign that they were firmly united to each other, by the touching their Weapons; for in Sax. *Weapen* is *Armitura*, and *Tac, tactus.*

Others say 'tis derived *a* Sax. *Weapen, Arma*, and *Teacen, Tradere*; because the Tenants delivered their Arms to every Lord, as a Token of their Homage and Subjection.

Ware, A certain Quantity or Measure of Ground.——*Præterea concedimus in eleemosynam eidem Ecclesiæ eadem libertate totam terram quam tenuerat Brisardus in Stanes, scilicet*, Waram *& dimidiam cum cotelandis & insuper medietatem totius nemoris.* ——*Ad opus Ecclesiæ vendiderunt, scilicet, unam* Waram *& duas cotelandas cum dominio & prato* — Mon. Angl. Tom. 2. *pag.* 128.

Wara libera. — Libera wara *eſt unus redditus, & talis conditionis, quod ſi non ſolvatur ſuo tempore, duplicatur in craſtino, & ſic deinceps in dies* — Tabularium Abbatiæ S. Petri de Burgo. *MS.*

Wards, City *Wards*, The Diſtricts or Diviſions of a City; as in *London* there be 26 *Wards*, according to the Number of the Mayor and Aldermen, of which each has a particular *Ward* for his proper Guard and Juriſdiction.

Ward, *Cuſtodia*, Hath divers Significations, as a *Ward* in *London*, in Latin *Warda*, which is a Portion of the City, committed to the ſpecial Charge of one of the Aldermen of the City. See *Stow's Survey of London:* Alſo a Foreſt is divided into *Wards*. *Manwood, part* 1. *pag.* 97. Thirdly, A Priſon is alſo called a *Ward*. Laſtly, The Heir of the King's Tenant, that held by *Knight's Service* or *in Capite*, was called a *Ward*, during his Nonage. 32 *H.* 8. 46. But this laſt is taken away by the Stat. 12 *Car.* 2. *c.* 24.

Warda, (i. e. *Cuſtodia.*) In *Walſingham, pag.* 120. *Data ſuis cuſtodibus ſoporifera potione, evaſit per omnes turris cuſtodias, quas* Wardas *vocamus.*

Warda, i. e. the Cuſtody of a Town or Caſtle, which the Tenants and Inhabitants were bound to keep at their own Charge. 'Tis the ſame with *Wardagium.* Mon. Angl. 1 Tom. *p.* 372.

Warda Eccleſiarum, The Guardianſhip of Churches, which is in the King during the Vacancy, by reaſon of the *Regalia*, or Temporalties. *Matt. Pariſ.* and *Matt. Weſtminſter, Anno* 1248. writing of *Henry* III. tell us, *Regardatus eſt inſuper quod Epiſcopatus & Abbatias & etiam Gardas vocantes immiſericorditer depauperat, &c.*

Wardage, (*Wardagium.*) *Sed ſint quieti de quolibet Theolonio, Tallagio, Paſſagio, Pedagio, Laſtagio, Hidagio*, Wardagio, & *omnibus Geldis, Fengeldis, Horngeldis, Fortgeldis, Penigeldis*, Tendpenigs, Hunderpenigs, Miskemelig, Brenalpeninge, Grithbregs, &c. *Charta Gilberti Tiſon ſummi Vexillatoris Angliæ. Sine dat.* It ſeems to be the ſame with *Wardpenny*, which ſee; or to be free from *Wardſhip.*

Wardecorne, The ſame with *Cornage, i. e.* a Duty incumbent on the Tenants to guard the Caſtle, by ſounding a Horn upon the Approach of an Enemy. *Monaſticon*, 1 *Tom. p.* 976. *Et ſint quieti de Theſauro ducendo & Wardpenny*, Wardecorn, *Averpenny, Hundredpenny, &c.*

Warden, *Gardianus*, Is the ſame with the French *Gardein*, and ſignifies him that hath the Keeping or Charge of any Perſon, or Thing, by Office; as *Wardens* of the Societies in *London.* 14 *Hen.* 8. *cap.* 2. Warden *Courts.* 31 *Hen.* 6. *cap.* 3. *Warden* of the Marſhes. 4 *H.* 7. *c.* 8. *Wardens* and *Commonalty* of the Lands contributary to *Rocheſter* Bridge. 18 *Eliz.* 7. *Warden of Peace*, 2 *Ed.* 3. 3. *Stat. Northampton. Warden* of the Weſt-Marſhes. *Cambd. Brit. p.* 606. *Warden* of the Foreſt. *Manwood, part* 1. *pag.* 42. & 111. *Warden* of the *Alnage.* 18 *H.* 6. 16. *Warden* of the King's Wardrobe. 51 *H.* 3. *Stat.* 5. *Wardens* of the Tables of the King's Exchange. 9 *Ed.* 3. *Stat.* 2. *cap.* 7. & 9 *H.* 5. *Stat.* 2. *cap.* 4. *Wardens* of the Rolls in the Chancery. 1 *Ed.* 4. *cap.* 1. 5. *Warden* or Clerk of the Hanaper in Chancery. *Ibid. Warden* of the King's Writs and Records of his Common Bench. *Ibid. Warden* of the King's Armour in the *Tower.* 1 *Ed.* 4. 1. *Warden* of the Houſe of the Converts. 12 *Car.* 2. *ca.* 30. And *Warden* of the Stannaries. 14 *Car.* 2. *cap.* 3. See *Gardian.*

Wardfeoh, or **Wardfegh**. *Sciant præſentes & futuri quod ego Henricus de la Morton dedi Rogero de Foreſta & Johannæ uxori ſuæ pro duodecim ſolidis & ſex denariis, quæ mihi dederunt præ manibus, unam acram terræ meæ de tribus ſelionibus, &c. Reddendo inde annuatim ad Feſtum Sancti Michaelis mihi & haredibus meis unum denarium pro omni ſervitio, heriotto, relevio*, warda, *regali ſervitio*, Wardfegh & *pro omnimoda ſecta Curiæ meæ & haredum meorum & aſſignatorum noſtrorum & pro omnibus conſuetudinibus & exactionibus, &c.* Sine dat. It ſignified the Value of a *Ward*, or the Money paid to the Lord for his Redemption from *Wardſhip.*

Wardmote (*Wardmotus*) Is a Court kept in every *Ward* in *London*, (*Anno* 32 *H.* 8. *c.* 17.) ordinarily called among them the *Wardmote-Court.* Vide *Charta. H.* 2. *de Libertatibus London.* where there are Twenty-ſix *Wards*, which are as Hundreds, and the Pariſhes as Towns. 4 *Inſt. f.* 249.

Wardpenny, alias **Warpenny** and **Warthpenny**, is Money contributed to Watch and *Ward. Denarii Vicecomiti vel aliis Caſtellanis perſoluti ob caſtrorum præſidium, vel excubias agendas. Concedo etiam eidem Eccleſiæ leugam circumquaque adjacentem, liberam & quietam ab omni geldo &. ſecta & Hidagio & Danegeldo & opere pontium & Caſtellorum & parcorum & omnibus auxiliis, placitis, & querelis, & ſciris, & Hundredis; cum ſaca & ſoca, & Tbol & Theam, & Infantheof &* Warpenny, & *Leſtage, & Hamſocne, & Forſtal, & Blodwite, &c.* Chart. Gul. Conq. Eccleſiæ S. Martini de Bello. *Retinui vero mihi & haredibus meis* Wartpenny & Peterſpenny, *de prædicta terra.* Charta Bertram de Verdon. Pehes W. Dugdale mil. *Warpenna.* Domeſday.

Wards and Liveries (*Wardi & liberaturæ*) was a Court firſt erected in King *Henry* the Eighth's Time, and afterwards augmented by him with the Office of *Liveries*, and therefore called by him *The Court of* Wards *and Liveries*, now taken away and diſcharged by *Stat.* 12 *Car.* 2. *cap.* 24.

Ward-ſilver, *Cuſtumarius in* Berton magna *reddit obolum ad* Ward-ſilver *ad terminum.* ——Cartular. Abbatiæ S. Edmund, *MS. fol.* 26. Willielmus *le* Kyng *tenet* 8 *acras* ——*ſolvit* 1 *den. ad* Ward-ſilver *die Sancti Petri ad vincula.* Ib.

Ward-ſtaff, The Conſtable's or Watchman's *Staff. Lambourn* Manor in *Eſſex* is held by Service of the *Ward-ſtaff, viz.* To carry a Load of Straw in a Cart with Six Horſes, Two Ropes, Two Men in Harneſs, to watch the ſaid *Ward-ſtaff* when it is brought to the Town of *Aibridge. Cambden* in *Eſſex.*

Wardwaite, (Sax.) *Significat quietantiam miſericordia in caſu quo non invenerit quis hominem ad* Wardam *faciendam in caſtro vel alibi.* Fleta lib. 1. *Immunitas a præſidiis faciendis, vel ab eorum contributione. Spelm.* But *Skinner* is of Opinion, That 'tis a Duty paid towards the Charge of Watching, rather than an Exemption from that Duty; from the Sax *Weard, Vigilia*, and *Wite, Mulcta.*

Warectare, To fallow Ground, or plough up Land (deſigned for Wheat) in the Spring, in order to let it lie Fallow for the better Improvement; which in *Kent* is called *Summer-land.*—— *Menſe Aprili* warectandi *erit tempus idoneum & amœnum, cum terra fregerit poſt carrucam.* Fleta, *l.b.* 2. *c.* 33. Hence *warectabilis campus*, a fallow Field; *Campus ad* warectam, *Terra* warectata, *&c.* See Mr. *Kennet's* Gloſſary in *warectare.*

Warectum, and **Terra Wareta**, (*Wareccum & Varectum*, Fr. *Terre garee*,) Land that has been neglected, and long untill'd: Alſo fallow Ground. *Tempus warecti*, in ancient Records, ſignifies the Time wherein Land lies fallow, the fallow Year, or Seaſon for fallowing Land. *In* Warectis, *in brueris, in boſcis, in mariſcis, in defenſis, & in omnibus terris, &c.* Mon. Angl. 2 Par. fol. 253. a. *xxv. Acras unoquoque anno ad ſeminandum, & totidem ad* Warectandum. *Idem*, 1 *Par. f.* 525. *b.* See *Venagium*.

Warfus, A Wharf. *Piſcarias vias, chimina*, Warphos, *vacuos fundos, &c.*

Wargus, A baniſhed Rogue, who lives by Robbery. *Leg. H.* 1. *c.* 83. *Et ſi quis corpus in terra, vel neſſo, vel petra expoliare præſumpſerit*, Wargus *habeatur.* See *Vargus.*

Warland, The ſame with *Warectum.*

Warlaunde, *Johannes Prior & Conventus Eccleſiæ Chriſti Cantuar. confirmant cartam Ricardi Archiepiſcopi Cant. concedentis Willielmo de Actone & hæredibus ſuis ut duodecim acras de* Warlaunde *cum pertin. apud* Hakintone, *quas tenebant in Gavelkind, in futurum teneant pro redditu* 11 *ſol.* 11 *den.* Regiſtr. Eccl. Chriſti Cant. *MS.*

Warniamentum, A Garment, a Suit of Cloaths. ——*Pro hac donatione conceſſerunt Abbas & Monachi Radinges mihi & Cæciliæ uxori meæ corrodia & warniamenta ſecundum quod in carta eorum continetur.* Chartular. Radinges. *MS. f.* 63.

Warniſtura, Garniture, Furniture, Proviſion. —— *Exceptis ab hac quinta decima libris & ornamentis Eccleſiarum—& exceptis bladis ad* warniſturam *caſtrorum emptis.* —— *Pat.* 9. *H.* 3. Brady Hiſt. Eng. Append. *p.* 169.

Warminſter. See *Verlucio.*

Warnoth. *Inter Record. de Recept. Sacc. Trin.* 33 *Ed.* 1. *Linc.* 46. *coram Rege*, I find it to be an ancient Cuſtom; whereby, if any Tenant, holding of the Caſtle of *Dover*, failed in paying his Rent at the Day, he ſhould forfeit double; and for the ſecond Failure, treble, *&c.* And in *Mon. Angl.* 2 *Par. f.* 589. *a. Terris cultis & terris de* Warnoth.

Warpenna, Wardpenny. *Liddington. Homines hujus Munerii reddunt* Warpennam *Vic. Regis aut cuſtodiam faciebant.* Domeſday, Tit. Grentbrigſcire. See *Wardpenny.*

Warrantia Chartæ Is a Writ that lies properly for him, who being infeoffed in Lands or Tenements, with a Clauſe of *Warranty*, and is impleaded in an *Aſſiſe* or *Writ of Entry*, wherein he cannot vouch or call to *Warranty*: For in this Caſe his Remedy is to take out this Writ againſt the Feoffor, or his Heirs. *Reg. Orig. fol.* 157. *F. N. B. fol.* 134. *Fleta, lib.* 6. *c.* 35. and *Weſt Symbol.* part 2. Tit. *Fines*, ſect. 156.

Warrantia cuſtodiæ Is a Writ Judicial, and lay for him who was challenged to be a *Ward* to another, in reſpect of Land ſaid to be holden in Knights-Service, which when it was bought by the Anceſtors of the *Ward*, was *warranted* to be free from ſuch Thraldom, and it lay againſt the *Warranter* and his Heirs. *Reg. Judic. fol.* 36. But now by the Statute made 12 *Car. c.* 24. it is become altogether out of Uſe.

Warrantia diei Is a Writ lying in caſe where a Man having a Day aſſigned perſonally to appear in Court to any Action wherein he is ſued, is in the mean Time, by Commandment, employed in the King's Service, ſo that he cannot come at the Day aſſigned. This Writ is directed to the the Juſtices to this End, that they neither take nor record him in Default for that Day. *Reg. Orig. f.* 18. Of this read more. *F. N. B. fol.* 17. and *Glanvile, lib.* 1. *c.* 8.

Warrant of Attorney Is a *Warrant* whereby a Man appoints another to do ſomething in his Name, and *warranteth his Action*: Which ſeems to differ from a *Letter of Attorney*, which paſſeth ordinarily under the Hand and Seal of him that makes it, before any credible Witneſſes; whereas a *Warrant of Attorney*, in a perſonal and mixed Action, and many real Actions, is of Courſe put in by the *Attornies* for the Plaintiffs or Demandants, Tenants or Defendants. But a *Warrant of Attorney* to ſuffer a common Recovery by the Tenant or Vouchee, is acknowledged before ſuch Perſons as a Commiſſion for the doing thereof directed. *Weſt, Par.* 2. *Symb.* Tit. Recoveries. *Sect.* 1. *F.* See *Attorney*, and *Letter of Attorney.*

Warranty, Warrantia *eſt ſecuritas a venditore præſtita emptori, quo tranquille aliquid poſſideat. Eaq; a ſignificatione* warrantizare *dicitur* warrantus, *ſive venditor quando ſe emptori obligat per acta Curiæ, aut chartam, aut contractus inſtrumentum*, Voſſius de vitiis Sermonis, *lib.* 2. *cap.* 20. It is a Promiſe or Covenant by Deed made by the Bargainor, for himſelf and his Heirs, to *warrant* or ſecure the Bargainee and his Heirs againſt all Men for the Enjoying any Thing agreed on between them. And he that makes this *Warranty* is called *warrantus*, by *Bracton, lib.* 2. *cap.* 19. and 37. and this *Warranty* paſſeth from the Seller to the Buyer, from the Feoffor to the Feoffee, from him that releaſeth, to him that is releaſed from an Action real, and ſuch like: And the Form of it is in this Manner, *Et ego præfatus* J. *& hæredes mei prædictas decem acras terræ cum pertinentiis ſuis, præfato* H. *hæredibus & aſſignatis ſuis contra omnes gentes* warrantizabimus *in perpetuum per præſentes.* Weſt. Symbol. part 1. lib. 3. Tit. *Feoffments*, ſect. 287, 288. See *Glanvile, lib.* 3. *per totum. Bracton, lib.* 5. *tract.* 4. *Britton, cap.* 105. and *Co.* 4. *Rep. fol.* 81. *Noke's* Caſe. In ancient Deeds we find *Warranties* run thus: *Contra omnes homines & fœminas & contra omnes homines & Judæos* warrantizabimus, *&c. Warranty* is either *real* or *perſonal*; *Real*, when it is annexed to Lands or Tenements granted for Life, *&c.* And this is either *in Deed*, as by the Word *warrantizo* expreſly; or *in Law*, as by the Word *Dedi*, or ſome other Amplification: *Perſonal*, which either reſpects the Property of the Thing ſold, or the Quality of it. *Real Warranty*, in reſpect of the Eſtate, is either *Lineal, Collateral*, or *commencing by Diſſeiſin*, for which ſee *Littleton* in the laſt Chapter of his Tenures, and *Co. lib.* 3. *Fermor's* Caſe, *fol.* 78. So then under the Word *Hæredes* are comprehended all ſuch as the firſt *Warranter's* Lands afterwards come unto either by Deſcent, or otherwiſe. *Bracton, lib.* 5. *tract.* 4. *c.* 1. *num.* 2. ſaith, *Imprimis videndum eſt quid ſit* warrantizatio; *Et ſciendum quod* warrantizare *nihil aliud eſt quam defendere & acquietare tenentem, qui* warrantum *vocabit in ſeiſina ſua.* With whom agrees *Fleta*, lib. 5. cap. 15. ſect. 1. & lib. 6. cap. 23. *per totum.* By what Words in a Feoffment a Feoffor ſhall be bound to *Warranty*, ſee the *Statute of Bigamy.* 4 *E.* 1. *cap.* 6. and ſee *Co.* on *Lit. f.* 365. and 383.

Warren, *Warrenna* alias *Varenna*, Cometh of the French *Garenne*, i. *Vivarium, vel locus in quo vel aves, vel pices, vel feræ continentur, quæ ad victum*

ctum duntaxat pertinent. Calepine out of *Aulus Gellius, lib. 2. Noct. Attic. c. 20.* But a *Warren*, as we uſe it, is a Franchiſe or Place privileged, either by Preſcription or Grant from the King, to keep Beaſts and Fowl of *Warren*, which are Hares and Conies, Partridges and Pheaſants: And if any Perſon be found an Offender in any ſuch *Free-warren*, he is puniſhable for the ſame at the Common Law, and by the Statute 21 *E.* 3. called the Statute *De malefactoribus in parcis & chaceis, &c. Videtur tamen Juſticiariis hic & Concilio Dom. Regis, quod Capreoli ſunt beſtiæ de* Warenna *& non de Foreſta, eo quod fugant alias beſtias de* Warenna. *Hill. Anno* 13 *E.* 3. *Ebor. Rot.* 106. A *Free-warren* may lie open, for there is no Neceſſity of incloſing the ſame as there is of a Park; which ought to be ſeized into the King's Hands, if it be not incloſed.

Warrocks. *Edmundus Buſche tenet terras in Morton Com. Eſſex, per ſervitium inveniendi unum ſtimulum ferreum pro uno* Warrocks *ſuper quoddam* Clothſac *quandocunque D. Rex equitaverit in exercitu verſus partes Wallix tempore guerræ.* 22 R. 2. Blount of Tenures, *p.* 32.

Warth, It ſeems to be the ſame with *Ward* and *Ward-penny*; a cuſtomary Payment for ſome Caſtle-Guard, or for keeping Watch and Ward. —— *Tota villa de Lighthorn in Com. Warwic. eſt geldabilis & dat ſcutagium &* Warth, *& venit ad duos magnos turnos Vicecomitis.*——7 *E.* 1. Blount's Tenures, *pag.* 60. This cuſtomary Acknowledgment by the very Name of *Warth*, is ſtill paid within the Manor of *Sutton-Colfield, Com. Warwic.* with ſome particular Ceremonies that are indeed ſingular and ſurpriſing. —— *Adam de Okes* was found by Inquiſition, 18 *E.* 1. to die ſeiſed of certain Tenements in *Dinley, Com. Warwic.* held of the King, by the Payment of a Half-penny *per annum*, called *Warth. Rot. Fin.* 18 *Ed.* 2. *n.* 26.

Warſcot Was the Contribution wont to be made towards Armour in the *Saxons* Times. *Sint omnes, tam primarii quam mediocres & minuti, immunes, liberi & quieti ab omnibus Provincialibus, ſummonitionibus & popularibus placitis, quæ* Hundredlaghe *Angli dicunt, & ab omnibus armorum oneribus quod* Warſcot *Angli dicunt, & forinſecis querelis.* Leg. Foreſt. Canuti Reg. num. 9.

Warwick. See *Præſidium.*

Warwite. See *Wardwite.*

Waſhum, A Shallow, or fordable Part of a River or Arm of the Sea, as the *Waſhes* in *Lincolnſhire, &c.* —— *Et ſic tranſierunt per unum* Waſhum *maris ad longitudinem unius leucæ in vigilia S Bartholomæi, & ex altera parte* Waſhi *inimici fuerunt parati ad prælium.* Hen. Knighton ſub anno 1346.

Waſſaile Was a feſtival Song heretofore ſung from Door to Door about the Time of the *Epiphany*. From the Sax. *Waes* Heal, *i. e. Sis ſalvus.*

Waſte, *Vaſtum*, Hath divers Significations: Firſt, It is a Spoil made either in Houſes, Woods, Lands, &c. by the Tenant for Life or Years, to the Prejudice of the Heir, or of him in the Reverſion or Remainder. *Kitchin, fol.* 168. Whereupon the Writ of *Waſte* is brought, for the Recovery of the Thing *waſted*, and treble Damages. See *Vaſto. Waſte* of the Foreſt is moſt properly where a Man cuts down his own Woods within the Foreſt, without Licenſe of the King, or Lord Chief *Juſtice in Eyre.* See *Manwood, part.* 2. *c.* 8. *num.* 4 & 5. Secondly, *Waſte* is taken for thoſe Lands which are not in any Man's Occupation, but lie Common; which ſeem to be ſo called, becauſe the Lord cannot make ſuch Profit of them as of his other Lands, by reaſon of that Uſe which others have of it in paſſing to and fro; upon this none may build, cut down Trees, dig, &c. without the Lord's Licenſe. Thirdly, *Year, Day and* Waſte, (*Annus, dies & vaſtum,*) is a Puniſhment or Forfeiture belonging to Petit Treaſon or Felony, whereof you may read, *Staundf. Pl. Cor. lib.* 3. *cap.* 30. And ſee *Year, Day and Waſte.*

Waſte Ground, *Vaſtus fundus*, Is ſo called, becauſe it lies as *Waſte*, with little or no Profit to the Lord of the Manor, and to diſtinguiſh it from the Demeſnes in the Lord's Hands, 2 *par. Inſt. fol.* 656. See *Waſte.*

Waſtel Bowl, A large Cup or *Bowl* of Silver or of Wood, wherein the *Saxons* at their publick Entertainments drank a Health to one another, in the Phraſe of *Was-heal*, i. e. *Health be to You.* This is the Meaning of the Word *Vaſtellum* in the Lives of the Abbats of St. *Albans*, by *Mat. Par. pag.* 141. *Abbas ſolus prandebit ſupremus in Refectorio habens* Vaſtellum, of which the Learned Dr. *Wats* was ignorant. —— *Si non ſit Umbraculum aut Baldekinum* (a Canopy) *neſcio quid ſignificet; neque tamen conjectare poſſum quare Umbraculum Vaſtellum diceretur. Quare*, But by the Word *Vaſtellus* no Doubt is meant the *Waſtel* or *Waſs-heal Bowl*, which was ſet at the upper End of the Table for the Uſe of the Abbat, who was ſerved in this Plate, and began the Health or *Poculum Charitatis* to Strangers, or to his Fraternity. From hence Cakes and fine white Bread, which were commonly ſopped in the *Waſtel-Bowl*, were called *Waſtel-Bread.* It is an unlucky Conjecture of Mr. *Somner* —— *Forte a Latino* Paſtillus, *alias* Paſtellus, *P.* in *V. & W. ut ſæpe tranſeunte.*

Waſtel-Bread, (*Anno* 51 *Hen.* 3. Statute of *Bread.*) *Vox autem unde veniat, non liquet*, ſays the *Gloſſ. in x Scriptores*, forte a *Gal.* Gaſteau, *i. e. Libum, placenta habebit quotidie de liberatione xxx Sol. & xii* Waſtellos *dominicos & xii Siminellos dominicos.* R. Hoved. *fol.* 420. *a.* This was the fineſt Sort of *Bread.* See *Cocket.*

Waſtinum, *Waſte* Ground or Deſart.—— *Unde queritur, quod diſſeiſivit eos de quingentis acris terræ, boſci, moræ*, waſtini, *& prati.* Chartular. Abbat. Glaſton. *MS. f.* 89. *a.*

Waſtors Were a Kind of Thieves ſo called. *Anno* 5 *E.* 3. *cap.* 14. *There have been divers Manſlaughters, Felonies and Robberies, done by People called Roberdſmen*, Waſtors, *and Draw-latches.* 4 H. 4. cap. 27.

Water-Bailiffs Seem to be Officers in Port-Towns, for the ſearching of Ships. 28 *H.* 6. *c.* 5. Alſo an Officer belonging to the City of *London*, who hath the Superviſing and Search of Fiſh brought thither, and the gathering of the Toll riſing from the *Thames.* He alſo attends on the Lord Mayor for the Time being, and hath the principal Care of marſhalling the Gueſts at the Table; and doth arreſt Men for Debt, or other perſonal or criminal Matters, upon the River of *Thames*, by Warrant of his Superiors, and the like.

Water-gage, *Watergagium & Aquagagium*, A Sea-wall or Bank to reſtrain the Current or Overflow of the Water. Alſo an Inſtrument to *Gage* or Meaſure the Quantity or Deepneſs of any *Waters.*

Water-gang, *Watergangium*, A Trench or Course to carry a Stream of *Water*, such as are usually made in *Sea-walls* to loose and drain *Water* out of the Marshes. Some confound this with *Watergage*, but they seem to differ in Signification. *Cart.* H. 3. *De ordinatione Marisci de* Romeney, &c. *Ad reparandum wallas &* Watergangias *ejusdem Marisci contra Maris periculum. Omnibus Ballivis de* Besinstone, Robertus *de* Curci, *Salutem. Mando vobis atque præcipio, quatenus justicietis meos homines de Margate, ut faciant wallas &* watergangas, *& clausuras wallarum sicut debent facere, & si facere noluerint, tum justicietis illos ut faciant, &c.* Mon. Ang. 2 par. fol. 920.

Water-gavel Was a Rent paid for fishing in, or other Benefit received from some River or *Water*. Henricus ——— Rex salutem; *Sciatis nos dedisse, &c. dilecto & fideli nostro* Huberto *de* Burgo *comiti Cantiæ &* Margeriæ *uxori suæ redditum* 32s. *&* 4d. *quem homines eorundem* Huberti *&* Margeriæ *de Manerio suo de* Elmour *nobis reddere solebant singulis annis, per manum Ballavi nostri de* Menstreworth *nomine* Water-gavel *Habend.* Dat. 15 H. 3.

Water-Measure, It is mentioned in the Stat. 22 *Car.* 2. and is greater than *Winchester-Measure* by about Three Gallons in the Bushel, and is now used for selling Coals in the Pool, &c.

Water-Ordeal. Our ignorant and superstitious Ancestors had a customary Way of Purgation, which they called *Judicium Dei*, believing it to be the Interposition of Divine Providence, or as it were the immediate Judgment and Decision of God himself This was commonly by *Fire-Ordeal*, or by *Water-Ordeal*, and this latter was either by hot *Water*, or by cold *Water*. The Purgation by hot *Water* was for the Party accused to thrust his Hands or Feet into scalding *Water*, on Presumption that his Innocence would receive no harm. That by cold *Water*, was for the Defendant to be cast into a Pond or River, (as they now pretend to try Witches) whether he would sink or swim. The *Fire-Ordeal* was for Free-men, and Persons of better Condition: The *Water-Ordeal* for Churls, Bond-men, and other Rusticks, as *Glanvile* reports—— *In tali casu tenetur se purgare is qui accusatur per Dei judicium, scilicet, per Ferrum calidum vel per aquam pro diversitate conditionis Hominum, scilicet, per ferrum calidum si sit Homo liber, per aquam si fuerit rusticus.*

Waterscape, *i. e.* An Aqueduct. From the Sax. *Waeter*, *Aqua.* and *Schap*, *ductus.*

Watling-street Is one of those Four Ways which the *Romans* are said to have made here, and called them *Consulares*, *Prætorias*, *Militares & Publicas.* This *Street* is otherwise called *Werlam-street. Et strata quam filii* Wethe *Regis ab orientali mari usque ad occidentale per Angliam straverunt.* R. Hov. f. 248. a. n. 10. This *Street* leads from *Dover* to *London*, Saint *Albans*, *Dunstable*, *Towercester*, *Atherston*, and the *Severn*, near the *Wrekin* in *Shropshire*, extending it self to *Anglesey* in *Wales.* *Anno* 39 *El. c.* 2. The Second is called *Ikenild-street*, so called *ab Icenis*, stretching from *Southampton* over the River *Isis*, at *New-bridge*; thence by *Cambden* and *Litchfield*; then it passeth the River *Derwent* by *Derby*, so to *Bolseover*-Castle, and ends at *Tinmouth.* The Third was called *The Fosse*, because in some Places it was never perfected, but lies as a large Ditch, leading from *Cornwal* through *Devonshire*, by *Tetbury*, near *Stow in the Wolds*, and besides *Coventry* to *Leicester*, *Newark*, and so to *Lincoln.* The Fourth was called *Ermine* or *Erminage-street*, beginning at St. *David's* in *West-Wales*, and going to *Southampton.* See the Laws of *Edward the Confessor*, whereby these Four publick Ways had the Privilege of *Pax Regis.* See *Hollinshed's Chron. vol.* 1. *cap.* 19. and *Henry* of *Huntington*, *lib.* 1. *in principio.*

And in *Leg. W.* 1. *c.* 30. there are Three Ways mentioned; but *Ikenild-street* is omitted, which was called *Iknild* from the *Iceni*, and *Streat*, which signifies a Way.

Faire weyes many on ther ben in Englond;
But four most of all ther ben to understond:
That thurgh old Kyng were made ere this,
As man schal in this Book after her tell I wis,
From the south into the north take it Ermin-street.
From the east into the west goeth Ikenild-street,
From southest the northest, that is Sumdelgrete,
From Dover *into* Chestre *goth* Watlingstreet,
The Sexth of thise is most of alle that tillot from Toteneys,
From the end of Cornwalle *anon to* Cateneys,
From the south west into northest into Englonds *end,*
Fosse *men callith thiske voix that my money thoto von doth voend,*
These four waies on this Lond Kung Belix *the wise*
Made and ordeined hem volth gret Fraunchise,
For whosoe did therein ony theft other any wouz,
He made juggement thereofe, and gref vengeance ynouz.

This is an old Description of those Ways, made by *Robert* of *Gloucester*, *Dugdale Antiq. Warwick*, *pag.* 6.

Wavrson, Such Goods as after Shipwreck do appear swimming on the *Waves.* —— *In tantum quod omnes punitiones, correctiones, deodanda*, Waveson, *Flotteson*, *Lagason*, *&* Wrecks *&* Regalia, *videl. Magnas pisces captas, &c. Carta Arthuri Plantaginet magni Admiralli Angliæ Majori & Civibus Roffen. Dat.* 4 *Decemb.* 18 *H.* 8.

Waxcot or **Waxscot**, *Ceragium*, This was anciently paid thrice a Year towards the Charge of Candles in Churches. *Tributum quod in Ecclesiis pendebatur ad subministrationem cereæ & Luminarium. Hac autem solutione multi se contendunt immunes esse a minoribus quibusdam decimis persolvendis, ejusdemque generis sunt quæ alias* Cock, *&* Wax, *alias* Mainport *appellantur.* Spelman.

Way. See *Chimin.*

Weade, (for so anciently they wrote) *Wood.* See *rond.*

Wayt-fee, Ward-penny, or Fee paid for waiting, *i. e.* for keeping Watch and Ward. —— *Thomas Spelman tenuit manerium de Narborough in com. Norf. per servitium militare & per redditum* 14 *sol. pro* wayt-fee *& Castle-guard.* ——— Blount of Tenures, *p.* 7.

Weald or **Wesd**, A Saxon Word signifying *Sylva*, is the woody Part of a Country, as the *Weald of Kent.* Camb. Brit. *pag.* 247. *Anno* 26 *H.* 8. *c.* 7. In the *Collection of Statutes*, 14 *Car.* 2. *c.* 6. it is misprinted *Wildes of Sussex*, *Surrey or Kent*, for *Wealds.*

Weald, **Wald**, **Walt**, In the Beginning of Names of Places signifies a Situation near Woods or Groves; from the Sax. *Weald*, *i. e.* a Wood.

Wealreaf, *i. e.* Robbing a dead Man in his Grave: From the Sax. *Weal, Strages*, and *Reaf, Spoliatio, quaſi Strati vel Extincti Spoliatio.* 'Tis mentioned in *Leg. Ethelred.* at *Wantage*, *cap.* 21. Wealreaf, i. e. *Mortuum referre, eſt opus nithing*, (*i. e.* of one made Free, or Manumitted,) *ſi quis hoc negare velit, faciat cum* 48 *Thaynis plane nobilibus, &c.*

Weare or Were *Wera & Wara*, A Stank, or great Dam in a River, well known, accommodated for the taking of Fiſh, or to convey the Stream to a Mill. *Unam* waram *& duas Cotlandas cum Dominio & Prato*, Mon. Angl. 2 par. f. 128. See *Kiddell. Gurgites* is ſometimes uſed in our Records for *Wears*; as, *Uſque ad Gurgites, Anglice vocat.* Snowtwears. *Item Petrus tenet unum* Gurtigem *infra Wayam*, a *Wear* on the River *Wey. Liber niger Heref. f.* 66. See *Kiddel.*

Weobedzip, The euſtumary Service which inferior Tenants paid to their Lord in cutting down their Corn, or doing other Harveſt Duties. From Sax. *Wed*, a Covenant or Agreement, (whence to *wedd, wedding*, a *wedded* Husband, a *wedded* Bondſlave, *&c.*) and *Biddan* to pray or deſire, and *Ripan* to reap or mow. As if a Covenant of the Tenant to reap for the Lord at the Time of his bidding or commanding.——*Anno Dom.* 1325. *Robertus Filius Nicholai Germayn tenet unum meſſuagium & dimidiam virgatam in bondagio ad voluntatem Domini, & debet unam aruram in Yeme, & unam ſarculaturam, & debet* Wedbedrip *pro voluntate Domini.* Paroch. Antiquit. pag. 401. *Alicia quæ fuit uxor Ricardi le Grey ——— faciet unam ſarculaturam & unam* Wedbedripam *& levationem fœni.* Ib. *p.* 402.

Weif. See *Waiſe.*

Weigh, or Wey, (*Waga*) Is a *Weight* of Cheeſe or Wool, containing Two Hundred Fifty-ſix Pounds of *Avoir-du pois.* A *Weigh* of Barley or Malt is Six Quarters, or Forty-eight Buſhels. A *Weigh* of Cheeſe in *Eſſex* is Three Hundred Pounds. *Et deciman Caſei ſui de* Herting, *præter unam* Peiſam *quæ pertinet ad Eccleſiam de A.* Mon. Angl. 3 Par. f. 80. b. Where *Peiſa* ſeems to be uſed for a *Weigh.* See *Waga. Coke's* 12 *Rep. fol.* 17. mentions Eighty *Weighs* of Bay-Salt.

Weights, *Pondera*, There are Two Sorts of them in uſe with us; the one called *Troy-weight*, having Twelve Ounces in the Pound, by which Pearl, precious Stones, Electuaries, and medicinal Things, Gold, Silver and Brede be *weighed.* The other is termed *Averdupois*, and contains Sixteen Ounces in the Pound, by which all other Things be *weighed* that paſs by *Weight. Geo. Agricola* in his learned Tractate *De Ponderibus & menſuris, p.* 339. terms the Pound of Twelve Ounces *Libram medicam*, and the other of Sixteen Ounces *Libram civilem*, ſaying thus of them both, *Medica & civilis libra numero non gravitate unciarum differunt.* The Second ſeems ſo to be termed, by reaſon of the more full *Weight.* But by theſe Words *Aver du pois*, are ſometimes ſignified ſuch Merchandiſe as are bought and ſold by this Kind of *Weights.* The firſt Statute of *York*, made 9 *E.* 3. *in Procem.* 27 *E.* 3. *Stat.* 2. *c.* 10. and 24 *H.* 8. *c.* 13. See *Skene de verbor. ſignif. verb.* Serplathe. All our *Weights* and *Meaſures* have their firſt Compoſition from the Penny-Sterling, which ought to *weigh* Thirty-two Wheat-Corns of a middle Sort; Twenty of which Pence make an Ounce, and Twelve ſuch Ounces a Pound; but Fifteen Ounces make the Merchants Pound, *Fleta, lib.* 2. *cap.* 12. which though an Ounce leſs ſhould probably be all one in Signification with *Aver-du-pois*, and the other Pound called by *Fleta Trone-weight* plainly appears to be the ſame with that we now call *Troy-weight.* See *Tronage. From henceforth there ſhall be one* Weight, *one Meaſure, and one Yard, according to the Standard of the Exchequer, through all the Realm, &c.* Anno 17 Car. 1. c. 19. See *Pondus Regis.*

Weights of Auncel, *Anno* 14 *E.* 3. *Stat.* 1. *cap.* 12. See *Auncel-weight.*

Wemming. *Leg. H.* 1. *ca.* 33. *Injuſto quoque judicio contradici poterit* Wemminge *Superiori & Sapientiori*: An unjuſt Judgment in an inferior Court may be ſet aſide by an Appeal to a Superior. From the Sax. *Wem, Menda.*

Wend, *Wendus*, i. *perambulatio*, From the Saxon *Wendam, ire*, to go. *Præcinctus terræ amplior plurima juga in ſe continens.* Rentale Regalis Manerii de Wye, *pag.* 31.——*Tres ſunt* wendi, viz Doun-wend, Chiltones-wend, & Bronsford-wend, *& in quolibet* wendo *ſunt decem juga & ſic in tribus* wendis *ſunt* 30. *juga, quorum* 26. *juga & dimid. ſunt in wye* & infra. *Quilibet* wendus *faciet* 10. *averagia ſemper de tribus ſeptimanis in tres, &c.*

Were and Werr (*Sax.*) are Words found in ancient Charters: The firſt ſignifies a Caſtle; the laſt, *æſtimationem capitis*, or *Pretium, quo occiſus æſtimabitur.* See *Æſtimatio capitis.*

Were, The River. See *Vedra.*

Were, alias Werræ, According to *Lambard* in his *Explication of* Saxon *Words* ſignifies *æſtimatio capitis aut pretium hominis.* That is, ſo much as one paid in ancient Time for killing a Man, when ſuch Crimes were puniſhed with pecuniary Mulcts, not Death. In *Leg. Ed. Conf. cap.* 11. we read *Were ſuum*, id eſt, *pretium ſuæ redemptionis*, his Ranſom. ——— *Si quis ante Comitem in placito pugnaverit, emendat ſecundum pretium ſui ipſius, & forisfacturam quod Angli dicunt* were *&* wite. Leg. Canut. *MS. p.* 150. In which Words the Saxon *W.* is often miſtaken for *P.* and written *Pere and Pite.* See *Pere and Pite*, ſee alſo *Gavelet.* The Words *Were, Wita*, and *Manbota*, are often joined together in our ancient Charters, and old Law-Books; but they are of different Signification: For *Were* ſignifies the Price or Value of a Man ſlain, which was to be paid to the Kindred; *Wita* was a Mulct uſually of 30 *s.* which was to be paid to the Party injured; and *Manbota* was the Recompence to be made to the Lord for the killing his Vaſſal or Tenant.

Weregelt-thef *Significat latronem qui redimi poteſt*, Fleta, lib. 1. cap. 47. *vel Gerſuma pro latrone evaſo ex carcere. Ex MS.* Abbathiæ Radingiæ.

Werelada; From the Sax. *Were, Pretium capitis hominis occiſi*, and *Ladian Purgare*; which was thus, *viz.* Where a Man was ſlain, the Price at which he was valued was to be paid to his Relations. For in the Time of the *Saxons* the killing a Man was not puniſhed by Death, but by a pecuniary Mulct, which was called *Were:* But if the Party denied the Fact, then he was to purge himſelf by the Oaths of ſeveral Perſons, according to his Degree and Quality, viz. *Si ad quatuor libras reatus ſit, cum* 18 *ex patre, ex matre* 4, *ſi ad* 14 *libras natus, cum ſexdecim*; and this was called werelada. Leg. H. cap. 12. *Homicidium were ſolvatur, vel* Werelada *regetur.*

Weretoff. *Et ſint quieti de communi miſericordia Comitatus, de Wardpenny & Averpenny, de Hundredpenny, & Thirdingpenny, de* Weretoff *& de Forfeng.* Charta H. 1. From the Sax. *Were-to-ron, i. e.* To take a Ranſom or Price for killing a Man. See *Were.*

Wergild, Wergeld, (*Wergildus.*) *Pretium ſeu valor hominis occiſi, homicidii pretium*; which was paid partly to the King for the Loſs of his Subject, partly to the Lord whoſe Vaſſal he was, and partly to the next of Kin. *Quædam* (*crimina*) *emendari non poſſunt*; *quæ ſunt* Husbrech, Bernet, & Openehef, & Eberemord, & Latordfith, & *infractio pacis Eccleſiæ, vel per manus Regis per homicidium.* LL. H. 1. ca. 13. In which Chapter the Crimes are enumerated which might be redeemed *per Weram. De unoquoque fure per totam Scotiam eſt* Wergelt 30 *Vaccæ & una juvenca, ſive fuerit liber homo, ſive ſervus.* Reg. Maj. lib. 4. cap. 19. The *Wergeld* of an Archbiſhop and of an Earl, was 15000 *Thrimſa's. Selden's Titles of Honour, fol.* 604.

Werhades, & Withades, (*Sax.*) Virilis & fœminei Sexus. *LL. Edm. c.* 1.

Weoxding, *i. e.* A Curtilage.

Werth, Weorth, Wirth, In the Beginning or End of Names of Places, ſignify either a Farm, Street, or Village: From the Sax. *Weorthdig,* i. e. *Platea, &c.*

Wervagium. *Cum omnibus aliis conſuetudinibus, legibus & libertatibus ſuis &* Wervagio *ſuo* bi lande & bi ſtrande. *Charta Hen.* 3. *Leveſhamenſi Cœnob. Quare.* i. e. *Wharfage.*

Weſt-Saxonlage Was the Law of the *Weſt-Saxons.* See *Merchenlage.*

Weſtminſter, *Weſtmonaſterium,* Was the ancient Seat of our Kings, and is now the well-known Place, where the High Court of Parliament, and Courts of Judicature ſit. It had great Privileges granted by Pope *Nicolas*; among others, *ut amplius in perpetuum Regiæ conſtitutionis locus ſit atque Repoſitorium Regalium Inſignium.* Ep. ejus ad div. Edovard. Tom. 3. B. f. 1228. See *City*, and 4 *Inſt. f.* 255.

Wetecroft, *Habebit menſuram unam, ſc.* wetecroft *cum orto ubi poſſit manere, &c.* Mon. Angl. 2 par. f. 40.

Weythe. *Et omnia animalia advenientia fugitiva. Gallice* Weythe, *in toto Hundredo de Halton.* Mon. Angl. 2 Par f. 187. b. See *Waif.*

Wharfe, *Wharfa,* Is a broad plain Place near a *Creek* or *Hith* of the Water, to lay Wares on, that are brought to or from the Water. *New Book of Entries, fol.* 3. *Anno* 12 *Car.* 2. *cap.* 4.

Wharfage, *Wharfagium,* Is Money paid for landing Wares at a *Wharf*, or for ſhipping or taking Goods into a Boat or Barge from thence. It is mentioned 17 H. 8. *c.* 26. and 22 *Car.* 2. *c.* 11, *&c.*

Wharfinger Is he that owns or keeps a *Wharf*, or hath the Overſight or Management of it. *Anno* 7 E. 6, 7. 12 *Car. c.* 4. and 22 *Car.* 2. *c.* 11.

Wheelage, *Rotagium*; *Tributum eſt quod Rotarum nomine penditur*; *hoc eſt, pro plauſtris & carris tranſeuntibus.* Spelm.

Wherlicotes, The ancient *Engliſh* open Chariots that were uſed by Perſons of Quality before the Inventions of Coaches. See *Stow's Survey of London,* p. 70.

Whinard, A Sword ſo called; from the Sax. *Winnam, i. e.* To get, and *Are,* Honour; becauſe Honour is acquired by the Sword.

White. *Edmundus Prior de Ely & ejuſd. loci Conv concedunt Johanni Palfrayman de Sutton unam placeam terræ* —— *& unam* whitam *jacentem in vaſto noſtro de Sutton* ——*inter* whitam *Thomæ Attechirche ex parte occidentali &* whitam *Johannis Pyper Nativi noſtri ex parte orientali.* —— Ex Cartular. Eccl. Elien. MS. penes Joh. Epiſc. Norwic.

Whitehart-Silver, *Candidi cervi argentum,* Is a Mulct paid into the Exchequer out of certain Lands in or near the Foreſt of *Whitehart*, which hath continued from *Henry* the Third's Time, who impoſed it upon *Thomas de la Linde*, for killing a moſt beautiful *White Hart*, which that King before had purpoſely ſpared in Hunting. *Cambd. Brit. p.* 150.

White-Meats, Milk, Butter, Cheeſe, Eggs, and any Compoſition of them, which in Times of Superſtition were forbid in *Lent*, as well as Fleſh, till King *Henry* 8. publiſhed a Proclamation to allow the Eating of *White-meats* in *Lent. Anno Reg.* 34. 1543.

Whiterent Is a Duty or Rent of Eight Pence, payable by every Tinner in the County of *Devon* to the Duke of *Cornwal.* See *Quitrent.*

White-Spurs: A Sort of *Eſquires* ſo called. See *Eſquires.*

Whitſontide, So called becauſe thoſe who were newly baptized came to the Church between *Eaſter* and *Pentecoſt* in white Garments.

Whittawarn, Whittawers. *Scil. Quia coria bovina & equina furata ſcienter albificant, ut ſic non agnoſcantur.* Statuta Walliæ. 12 *Edw. 1.* I find it elſewhere written *Whytaroyers*, and interpreted, *Allutarii vel interpolatores albi corii.* Hiſt. Oxon. *fol.* 158.

White-Straits, A Kind of coarſe Cloth made in *Devonſhire*, about a Yard and Half a Quarter Broad, raw, mentioned 5 H. 8. *c.* 2.

Whitley, A Town in *Northumberland.* See *Alone.*

Wichterthila. See *Thila.*

Whitſon-farthings. See *Pentecoſtals*, mentioned in Letters Patent of *Henry* the Eighth to the Dean of *Worceſter.*

Wic, A Place on the Sea-ſhoar, or on the Bank of a River. 1 *Inſt. f.* 4. *b.* But it more properly ſignifies, in the *Saxon*, a Street, a Village, or Dwelling-place; alſo a Caſtle. See *Wyke.* It is often in the *Saxon* Language made a Termination to the Name of a Town which had a compleat Name without it; as *Lunden-Wic*, that is, *London*-Town, which ſignifies no more than *London*; as in the *Saxon Annals*, 'tis mentioned that King *Æthelbert* made *Mellitus* Biſhop of *Lunden-Wic*: So *Ipſwich* is written in ſome old Charters *Villa de Gippo*, and ſometimes *Villa de Gippo Wico*; which is no Variance, but the ſame Thing: For *Gipps* is the compleat Name, and *Gipps-Wic* is *Gipps*-Town.

Wica, A Country-Houſe or Farm, of which many a one is now called the *Wike*, and the *Wick.* —— *Nos W. Abbas Glaſton, & Conventus* —— *conceſſimus* Andreæ *de* wik, *pro homagio & ſervitio ſuo* wicam *de manerio noſtro de Eſſebi cum omnibus pertinentiis ſuis in eadem villa.* —— Chartular. Abbat. Glaſton. *MS. f.* 29.

Wichemete. See *Quietantia.*

Wichencrif, Witchcraft. The Word occurs in the Laws of King *Canute, c.* 27.

Widow

Widow of the King, *Vidua Regis*. Was she, that after her Husband's Death, being the *King's* Tenant *in Capite*, was forced to recover her Dower by the Writ *De Dote assignanda*, and could not marry again without the King's Consent. *Staundf. Prærog. c.* 4. See the Statute of the *Prærog. Anno* 17 *E.* 2. *Mag. Chart. cap.* 7. and 32 *H.* 8. *cap.* 46. See *F. N. B. f.* 263.

Widowhood, (*Viduitas*,) The State and Condition of a *Widow*. *Sciant quod ego Margeria quæ fui uxor R. Smith de Birchore* (Com. Heref.) *in* Viduitate *& in legitima potestate mea, remisi, relaxavi, &c. Dat. apud Birchore die Dominica in Fest. Nativitatis Johannis Baptistæ*, Anno 9 H. 4.

Wife, *Uxor*: After Marriage, all the Will of the *Wife*, in Judgment of the Law, is subject to the Will of the Husband, and it is commonly said, *A Feme Covert hath no Will, sed fulget radiis mariti*. Co. 4. Rep. *Forse* and *Hembling's* Case. See *Perkin's, fol.* 2, 3, 4. *Plowd. Comment.* 344. *Bret* and *Rigdon's* Case. *Doctor and Student*, fo. 13. and 4 H. 6. 31.

Wike. See *Wyke*.

Wilfgade. See *Wethade*.

Wigreve, A *Saxon* Word, derived from *Wig*, or *Wic*, which signifies *Sylvam*, and *Greve præpositus*, and denotes the Overseer of a Wood, according to *Spelman*: But *Wia* in *Saxon* more truly signifies *Via*, and so it may more properly intend an Overseer of the Highways.

Will, or last **Will**, *Testamentum, ultima voluntas*, Is of two Sorts, A *Will in Writing*, called also a *Testament*; and a *Will* by Word of Mouth only, called a *Nuncupative Will*, which being proved *per Testes*, may be of as good Force as that in Writing, except only for Lands, which are not devisable, but by a *Testament* in Writing made in the Life of the Testator. See *Touchstone of Wills*, pa. 2. See *Testament*.

Ex Codice MS. nuncupato *March*, penes Registrar. Curiæ Prærog. Domini Archiepisc. Cantuar. Qu. 7.

IN nomine Patris & Filii & Spiritus Sancti, Amen. *The Sevententh Day of* September, *the yer of our Lord* Jesu Christ *a thousand four hundred and four, I* Lowys Clyfforth (He was made Knight of the *Garter*, by King *Richard* the Second,) *fals and Traytor to my Lord God, and to alle the blessed company of Hevene, and unworthi to be clepyd a Cristen man, make and ordeyn my Testament, and my last* Wille *in this manere.*

At the begynnynge, I most unworthi and Goddys tratour, recommaund my wrechid and synfule Sowle hooly to the grace, and to the mercy of the blessful Trynytie; and my wrechid careyne to be beryed in the fertheste corner of the Chircheyeard, in which parishe my wrechid Soule departeth fro my Body.

And I pray and charge my Survivors and my Executors as they wollen answere to fore God, as all myne hoole trest in this matere is in them, that on my stinking careyne be neyther leyd clothe of Gold ne of silke, but a blake clothe, and a Taper at myne hed, and another at my fete, ne stone ne other thinge, whereby eny man may witte where my stinking careyne liggeth. And to that Chirche do myne Executors all thingis which owen duly in such caas to be don, without eny more cost saaf to pore men.

And also I pray my Survivors and myne Executors that eny dette that eny man kan are me by true title, that hit be paid. And if eny man kan trewly sey that I have do him eny harm in body or in good, that ye make largely his gree whyles the goodys wole strecche.

And I wole alsoe, that none of myne Executors meddle or mynystre eny thinge of my goodys withoutyn avyse and consent of my Supervisors or sum of hem.

Now first I bequethe to Sire Phylype la Vache *Knyht my Masse-Boke and my Portoos; and my Boke of Tribulacion to my Doughter his Wif.*

Et quicquid residuum fuerit omnium & singulorum bonorum & catallorum superius seu inferius non legatorum, do integre & lego Philippo la Vache, Johanni Cheynee & Thomæ Clanvow militibus libere sibi possidendum, *&c.*

Probatum, &c. 5 Dec. Anno 1404.

Winches, A Kind of Engine to draw Barges up the Water against the Stream. *Anno* 21 *Jac. ca.* 32.

Win, In the Beginning or End of the Names of Places, signifies that some great Battel was fought, or Victory gained there. From the Sax. *Win*, i. e. *Prælium*.

Winbourne. See *Vindogladia*.

Winchelsea. See *Vindalis*.

Winchester. See *Venta Belgarum*.

Windass, **Wandass**, and **Wanlass**, corruptly *Windlass*, (*Windassum*,) is a Term in Hunting, (as, to drive the *Windass*,) signifying the Chasing a Deer to a Stand, where one is ready with a Bow or Gun to shoot. *Et omnes illi qui tenuerunt in Bondagii tenura solebant vocari Custumarii; & quotiescunque dominus ad venandum venerit, illi Custumarii solebant fugare* Windassum *ad stabulum in fugatione ferarum bestiarum, secundum quantitatem tenuræ suæ, &c.* MS. de Consuetud. Manerii de Sutton Colfield, Anno 3 Ed. 2.

Winkinga. *Et dedi eis totas* Winkingas *in Boschis & Planis.* Mon. Angl. 1 Par. fol. 592. b. Quære.

Winterden. *Ut Ecclesia Croyland sit tuta ab omnibus taxationibus, quæ nos dicimus* Winterden, *&c.* Charta Ethelwolfi Regis, Anno 855.

Windsore, A *Herald*. See *Herald*.

Winter-heyning Is that Season comprehended between the Eleventh Day of *November*, and the Three and Twentieth of *April*, which Time by the Act made 20 *Car.* 2. *cap.* 3. is excepted from the Liberty of commoning in the *Forest of Dean*.

Wisegelthef, *Vale Royal, pag.* 113. Perhaps mistaken for *Weregelthef*, which see.

Wista Quatuor virgatis constat. *MS. Abbathiæ de Bello.* It was a Measure of Land among our *Saxons*. And was as much as made half a Hide of Land, the Hide being accounted 120 Acres, *viz. Monasticon.* 1 *Tom. p.* 133. *Octo virgatæ unam hidam faciunt*, Wista *vero quatuor virgatis constat*, which in this Place must be Sixty Acres; but the Number was uncertain according to the Place; for in an old Chronicle of the Monastery of *Battle*, we read, *In perlea est una* Wista *in dominio, ista enim* 48 *Acris constat.* Du Fresne.

Witam: *Secundum* witam *jurare* is to purge himself by the Oaths of so many Witnesses as the Quality of the Offence, and the Forfeiture incurred, require: *Jurat secundum* Witam *quod nec fuerit furti conscius, nec coadjutor in eo, &c.* Leg. Inæ, *c.* 63. From hence there were several compound Words,

Words, as *Blodwita*, *Fintwita*, *Legerwita*, *Ferdwita*, *Childwita*, *Wardwita*, *Heingwita*, *Flitwita*, *Leirwita* &c. which see in their Places.

Wita plena Was a Forfeiture of Fifty Shillings. *Leg. H. 1. cap. 40. Si pundbreche fiat in Curia Regis* plena wita *sit, alibi quinque marcæ, i. e.* 12 s. & 6 d.

Witfree, (Sax.) *Immunis a Mulctis.*

Wite, A *Saxon* Word signifying Punishment, Pain, Penalty, Fine, or Mulct: Hence *Wite* or *Witfree*, one of the Terms of Privilege granted to our *Portsmen*, denoting a Freedom or Immunity from Fines or Amerciaments, and not (as they vulgarly accept) from being liable to be begged for Fools, for lack of *Wit* or Understanding, Saxon *Dict.* See *Wyte & Gloss in* 10 *Script.*

Witenamot and **Witena-gemot** (Saxon) *Conventus sapientum.* It was a great Convention among the *Saxons*, answerable to our Parliament.

Wites, *Witen*, The Title among our *Saxon* Ancestors for their Chief Lords or Thanes, their wife and their Noble Men. And the *Wittena Gemotes* were the Councils or Assemblies of the great Men to advise and assist the King.

Witereden, alias **Witereden**, and **Winterden**, Was a Kind of Taxation among the *West-Saxons*, imposed by the publick Council of the Kingdom: For *Wite* and *Witan* signify *Majores Regni* and *Redan, Concilium.* See *Charta Ethelvulphi Regis Catholica apud Malms. de Gest. R. lib.* 1. *pag.* 41. *Mansio* (sc. quævis Ecclesiæ assignata) *sit tuta & libera ab omnibus secularibus servitiis, necnon regalibus tributis majoribus & minoribus sive taxationibus, quæ nos dicimus* Witereden.

Withercila, For *Withertyhla, i. e.* A Recriminating, or *adversa accusatio:* In Leg. H. 1. cap. 23. *Nemo de cæsione nemoris inoperti jure cogitur respondere per* Withercilam, *nisi Domino suo, vel captus in eo, &c.*

Withernam, *Vetitum Namium*, May be compounded of the Saxon *Wyther, altera, & Nam, captio*, and is a forbidden taking, as the taking or driving a Distress to a Hold, or out of the County, so that the Sheriff cannot upon the Replevin make Deliverance thereof to the Party distrained. In which Case the Writ of *Withernam*, or *de Vetito Namio*, is directed to the Sheriff, for the Taking as many of his Beasts that did thus unlawfully distrain, or as much Goods of his into his keeping, till he hath made Deliverance of the first Distress: Also if the Beasts be in a Fortlet or Castle, the Sheriff may take with him the *Posse Comitatus*, and beat down the Castle, as appears by the *Statute of Westm.* 1. *cap* 20. and *Britton, cap.* 27. *Withernam* according to *Bracton, lib.* 3. *tract.* 2. *cap.* 37. and in *Westm.* 2. *cap.* 2. seems to signify an unlawful Distress made by him that has no Right to distrain. *Anno* 13 *E.* 1. *cap.* 2. See the *New Book of Entries, hoc verb.* and see *Fitz. Nat. Brev. fol.* 73. *Reg. Orig. fol.* 82, 83. *Reg. Judic. fol.* 29. and *Smith de Republ. Anglor. cap* 10. This *Withernam*, (saith he) is in *Dutch*, and likewise in Saxon *Withernempt*, that is, *alternum accipere*, and signifies all one with *Repriſalia, Repriſals.* See *Skene de verbor. signif. verb.* Averia.

Witherſake, **Witherſake**, An Apostate, a perfidious Renegado. *Leg. Canuti Reg. cap.* 27.

Witnesman, ——— *Inde venient ad supradictos dominos prædictarum villarum & petent ab eis* Witnesman, *& ipsi Domini facient Forestarios* Witnesman, *sic & omnes Forestarii mei jurabant invicem, qui facti fuerint Forestarii, quod neminem nocebant occasione illius testimonii, &c.* Carta Joh. de Vipont in castello de Appelby, Dat. 6. Joh. Reg.

Woad, *Glastum*, Is an Herb like Plantain, growing in many Places in *England*; formerly brought from *Tholouse* in *France*, and from *Spain*, much used, and very necessary for the dying of a blue Colour. *Anno* 7 *H.* 8. *cap.* 2. We call it *Woad*, from the Italian *Guedo.*

Woderede —— *De fossis, forgiis & Woderede respondent.* —— Lib. niger Heref. fol. 82.

Wold, (Sax. Lat. *Walda*) A Plain, a Down, an open Champion Ground, hilly and void of Wood; as *Stow* in the *Wolds*, and *Cotswold* in *Gloucestershire.* This is sometimes misunderstandingly confounded with *Weald.*

Wonderchone. That certain Engines, called *Wonderchones*, used in Havens and Creeks for the Destruction of Fish, may be forbidden. *Petition of the Commons in Rot. Parl.* 51 *Edw.* 3.

Wong, A *Saxon* Word, written otherwise *Wange*, and signifying a Field; *Tres acras terræ jacentes in lez* wongs, *i. in campis opinor seminalibus, magis quam pascuis*, saith *Spelman.* So in an antient Charter of *Garradon Abbey* in *Leicestershire*, *Dat.* 14 *E.* 3. There is Mention of the *Wicketwong*, which is a large Piece of inclosed Ground lying before the Abby-Gate. See *Wang.*

Wood-corn, Some Quantity of Oates or other Grain, paid by customary Tenants to the Lord, for Liberty to pick up dead or broken Wood.—*In villa de Thorp hæ sunt consuetudines* ——*quælibet integra virgata terræ* ——*Dat ad Natale unum panem, & unam summam de avena, scil.* Woodecorn *& operatur* 3 *diebus.* —— Swafham, five Cartular. Burgi S. Petri, MS. fol. 142. —— *Iveſye est una hida terræ & dimidia* —— *qualibet virgata* —— *Dat ad Natale* ii *gallinas & panem & vi escheppas avenæ ad* Woodecorn *pro mortuo bosco.* Ibid. fol. 143.

Woodcote. See *Noviomagus.*

Wood-geld, *Woodgeldum*, Seems to be the gathering or cutting of Wood within the Forest, or Money paid for the same to the Foresters; and the Immunity from this by the King's Grant is by *Crompton* called *Woodgeld, fol.* 157. *Co. on Litt. fol.* 233. says, it signifies to be free from Payment of Money, for taking Wood in any Forest.

Woodhey, —— *De quolibet bosci summagio super Istæ pontem* (*i. e. Exbridge*) *deportato unus truncus solvitur ad pontis reparationem, quæ consuetudo vocatur* Woodhey. —— Antiquities of *Exeter*, pag. 45.

Woodmen Are those in the Forest that have Charge especially to look to the King's Wood. *Cromp. Jur. fol.* 146.

Woodlode, —— *Rogerus Prior & Capitulum Ecclesiæ Christi Cantuar. quietos clamant Magistrum & Fratres Hospital. S. Mariæ de Ospreng & eorum Successores de consuetudinibus subscriptis, videlicet, de arura, Hatewite, Ripsilver*, Wodelode, Heylode, *Averssilver, &c. quæ consuetudines fieri solent in curia de Adesham.* Dat. Mens. Febr. 1242. —— Registr. Eccles. Christi Cant. MS.

Woodmote Is the old Name of that Court of the Forest, which is now, since the Statute of *Charta de Foresta*, called the *Court of Attachments*, and by that Statute is held every Forty Days, but was wont to be held at the Will of the Chief Officers of the Forest, without any certain Time. See *Manwood's Forest Law, cap.* 22. *fol.* 207.

Woodplea-Court Is a Court held Twice in the Year in the Foreſt of *Clun* in *Com. Salop*, for determining all Matters of *Wood* and Agiſtment there, and perhaps was antiently the ſame with *Woodmote-Court*.

Woodward, *Woodwardus*, Is an Officer of the Foreſt, whoſe Function you may underſtand by his Oath ſet down in *Cromp. Jur. fol.* 201.

YOU ſhall truly execute the Office of a Woodward *of* B. *Woods within the Foreſt of* W. *ſo long as you ſhall be* Woodward *there; you ſhall not conceal any Offence either in Vert or Veniſon, that ſhall be committed or done within your Charge, but you ſhall truly preſent the ſame, without any Favour, Affection or Reward. And if you ſee or know any Maleſactors, or find any Deer killed or hurt, you ſhall forthwith do the Verdorer to underſtand thereof, and you ſhall preſent the ſame at the next Court of the Foreſt, be it* Swainmote, *or Court of* Attachments. *So help you God.*

Woodwards may not walk with Bow and Shafts, but with Foreſt Bills. *Manwood, part* 1. *pag.* 189. *Arcum & calamos geſtare in Foreſta non licet, ſed (ut reſcripti utar verbo)* Hachettum *tantummodo.* Sic Term. Hill. Anno 13 E. 3. Ebor. Rot. 106.

Woolbrivers, *Anno* 2 & 3 *P. & M. cap.* 13. Are ſuch as buy Wool abroad in the Country of the Sheep-Maſters, and carry it on Horſeback to the Clothiers, or to Market-Towns to ſell again.

Woolferhefod, *Caput Lupinum*, Is the Condition of ſuch as were out-lawed in the *Saxons* Time, for not ſubmitting themſelves to Juſtice: For if they could be taken alive, they ſhould have been brought to the King, and if, upon fear of Apprehenſion, they defended themſelves, they might be killed, and their Heads brought to the King; for they carried a *Wolf's Head*, that is to ſay, their Head was no more to be accounted of than a *Wolf's Head*, being a Beaſt ſo hurtful to Man. So the Laws of King *Edward*, by *Lambard, fol.* 127. *num.* 7. and *Bract. lib.* 3. *tract.* 2. *cap.* 11. This is miſ-written *Wulveſheved*, by *Roger Hoveden, part. poſter. ſuor. Annal. fol.* 343.

Woolfeshered. See *Wulveſheved*.

Woolſtaple, *Anno* 51 *H.* 3. *ſtat.* 5. That City or Town where Wool was ſold. See *Staple*.

Woolwinders, Are ſuch as wind up every Fleece of Wool, that is to be packed and ſold by Weight, into a Kind of Bundle, after it is cleanſed in ſuch Manner as it ought to be by Statute, and to avoid ſuch Deceit as the Owners were wont to uſe by thruſting in Locks of refuſe *Wool*, and other Droſs, to gain Weight. They are ſworn to perform that Office truly between the Owner and the Merchant. See the Stat. 8 *Hen.* 6. *cap.* 22. 23 *Hen.* 8. *cap.* 17. and 18 *Eliz.* 25

Worceſter, The Chief City of the County of that Name: It is called *Brunonium* in *Antonine's Itinerary*. *Branogenium* by *Ptolomy*, *Caer-Wrangon* by the *Britons*, and *Wire-ceaſter*, by the *Saxons*. Mr. *Cambden* tells us, from *Wire*, *nemoroſo ſaltu adjuncto*; but this muſt be a Miſtake, for that Wood is almoſt Twelve Miles diſtant from this City; the true Original is *Wicwareceaſter*, *i. e. Civitas Wicciorum*, who were a People ſo called, living in thoſe Parts; and it was firſt called, *Wigornia*, by one *Joſeph* of *Exceſter*, in ſome Verſes which he wrote on *Baldwin* Archbiſhop of *Canterbury*

Worderinde,—— *Item pro cibo Prioris quærendo, & pro ſervitio, quod dicitur* Worderinde *& pro pomis frangendis* 12 *den. &c.* Somner of Gavelkind, pag. 120.

Wormſeed, *Semen Sanctonicum*, Is a medicinal *Seed*, produced by that Plant which we call *Holy-wormwood*, whereof you may read in *Gerard's Herbal, lib.* 2. *cap.* 435. This is a Drug to be garbled, *Anno* 1 *Jac. cap.* 19.

Wormtak,—— *Item eſt ibidem (ſcil. apud Orleton) de* Wormetak vi *Sol.* viii *den. ſolvend. annuatim ad Feſtum S. Martini.* Inquiſ. apud Heref. 22 Rich. 2.

Worth, *i. e.* A Curtilage or Country-Farm. *Mat. Weſtm.* 870. *In Villa Regia quæ lingua Anglorum Beordſrichſwort, Latine vero Beodrici curtis ſive habitatio nominatur.*

Worthinus, A *Worthine* of Land, a certain Quantity or Dimenſion of Ground ſo called in the Manor of *Kinſland Com. Hereford.* It is from hence poſſibly, that in ſome Manors certain Tenants are called *Worthies.* 18 *Edw.* 3. *inter conſuetud. Manerii de Haddenham Com. Buck.* from the Sax. *Weorth*, a Country Houſe or Farm; whence the Termination of *Worth* in ſo many of our Country Villages.—— *In villa Regia quæ lingua Anglorum vocatur Beodnheſworth, Latine vero Beordici curtis ſive habitatio nominatur.* Mat. Weſtm. ſub anno 870.

Wranglands Seem to be miſgrown Trees, that will never prove Timber. *Kitchin, fol.* 169. *b. quaſi* Wronglands, that wrong the Ground they grow in.

Wreck, *Wreccum maris*, Is, where a Ship is periſhed on the Sea, and no Man eſcapes alive out of it: The *Civilians* call it *Naufragium*. This *Wreck* being made, the Goods that were in the Ship being brought to Land by the Waves, belong to the King by his Prerogative, or ſuch other Perſons to whom the King hath granted *Wreck*. But if a Man or a Dog, or a Cat eſcape alive, ſo that the Party to whom the Goods belong, come within a Year and a Day, and prove the Goods to be his, he ſhall have them again by the Proviſion of the Statute of *Weſtm.* 1. *cap.* 4. and 17 *E.* 2. *cap.* 11. *Co. vol.* 6. *fol.* 106. *Bracton, lib.* 2. *cap.* 5. *num.* 7. This in the *Grand Cuſtumary of Normandy, cap.* 17. is called *Varech*, and latined *veriſcum*, and in ſome antient Charters it is written *Seupwerpe*, *quaſi Sea up-werpe*, that is, *ejectus maris*, from *Up-werpen, ejicere*. By which, and other Antiquities, it appears, that *Wreck* did not only comprehend Goods that came from a periſhing Ship, but whatever elſe the Sea did caſt up upon the Land, were it precious Stones, Fiſhes, or the like, as by the Statute made 17 *E.* 2. *cap.* 11. called *Statutum Prærogativæ Regis*, appears in theſe Words, *Item Rex habebit* wreccum maris, *per totum Regn. Balenas, & Sturgiones captas in mari vel alibi infra regnum, exceptis quibuſdam locis privilegiatis per Regem.* In the Statute of 27 *H.* 8. *cap.* 26. it is called *Wreck de mer*. See 2 *Inſt. fol.* 167.

Wreckfry, Wreckfree, or exempt from the Forfeiture of ſhipwrecked Goods and Veſſels to the King. King *Edw.* 1. by Charter granted this Immunity to the Barons of the Cinque Ports —— *Quod ſint* Wreckfry *& Wytteſry & Leſtage-fry & Lonetopfry & quod habeant den & Strond apud Gernemuth.*—— Placit. temp. Ed. 1. & Ed. 2. MS. 4to. penes Dom. Fountains ex Ædc Chriſti Oxon.

Wreſedlus.—— *Berges reddit in gabulo aſſiſo* ——*& ſunt ibi tres* Wreſedly, *quorum quilibet debet flagellare unam ſummam frumenti ad ſemen in hieme.* Cartular. Abbat. Glaſton. MS. fol. 39. b.—— *Sunt ibi duo* Wreſedli *qui debent idem ſervitium facere quod Cotarii.* ib.

Writ, *Breve*, Is the King's Precept, whereby any Thing is commanded to be done touching a Suit or Action; as the Defendant or Tenant to be ſummoned, a Diſtreſs to be taken, a Diſſeiſin to be redreſſed, &c. And theſe Writs are diverſly divided in divers Reſpects; ſome in reſpect of their Order, or Manner of granting, are termed *Original*, and ſome *Judicial*. *Original* Writs are thoſe that are ſent out for the Summoning of the Defendant in a perſonal, or the Tenant in a real Action, before the Suit begins, or rather to begin the Suit: Thoſe are *Judicial*, which are ſent out by Order of the Court where the Cauſe depends, upon Occaſion after the Suit begun. *Old Nat. Brev. fol.* 51, & 147. And the *Judicial* are known from the *Original* thus, becauſe the *Teſte* of that bears the Name of the Chief Juſtice of that Court whence it iſſues, whereas the *Original* in the *Teſte* has the Name of the Prince: and according to the Nature of the Action, they are either *Perſonal* or *Real*: *Real* are either touching the *Poſſeſſion* called *Writs of Entry*, or the *Property* called *Writs of Right*. Of the Antiquity of the *Writ of Right*, thus in a Charter of King *Athelſtan*'s, of Privileges granted to *St. John of Beverly*, *Anno* 925.

If man be cald of limes or lif,
Or men challenges land in ſtrif,
Mit my bodlaik writ of Right,
I will Saint John have the might.

Some *Writs* are at the Suit of the Party, ſome of Office, ſome Ordinary, ſome of Privilege. A *Writ of Privilege* is that which a *privileged Perſon* brings to the Court for his Exemption, by Reaſon of ſome Privilege. See *Procedendo*, and *New Book of Entries*, verbo *Privilege*. See *Brief*. The Word is derived from the Saxon *Writan*, *ſcribere*; and *Skinner* tells us it is worth Obſervation, that we alone of all the *German* Race, do ſtill retain this Word, for they call it *ſchreiben*, from the Latin *ſcribo*.

Writ of Aſſiſtance Iſſues out of the Exchequer, to authoriſe any Perſon to take a Conſtable, or other publick Officer to ſeize Goods or Merchandize prohibited and uncuſtomed, &c. *Stat.* 14. *Car.* 2. *c.* 1. There is alſo a Writ of this Name iſſuing out of the Chancery to give a Poſſeſſion.

Writ of Rebellion. See *Commiſſion of Rebellion.*

Writer of the Tallies, *Scriptor Talliarum*, Is an Officer in the Exchequer, being Clerk to the Auditor of the Receit, who writes upon the *Tallies* the whole Letters of *Tellers* Bills.

Writs Vicountiel Are ſuch *Writs* as are triable in the County or Sheriff's Court. *Old Nat. Brev. fol.* 109. See *Vicountiels.*

Wrong, *Injuria*, Is in *French* aptly called *Tort*, becauſe *Wrong* is wreſted or crooked, being contrary to that which is right and ſtrait. *Co. on Lit. lib.* 2. *cap.* 1.

Worceſter in *Shropſhire*. See *Virecinum.*

Wudeheth, *i. e.* Felling a Wood. *In Leg. H.* 1. *cap.* 37. It is derived from the Sax. *Wude*, *i. e. Sylva.*

Wudhepec and Wudheth. See *Pudhepec.*

Wulveſheved. See *Woolferhefod.*

Wuree. *Charta* 1 *Rich.* 1. *Civibus Ebor.* Quære.

Wyke, (*Wyka*) A Farm or little Village.—— *Et totam* Wykam *cum hominibus*, &c. Mon. Angl. 2 Par. fol. 154. *Car ceſty q'priſt Leaſe pur anz dun Farme en le northpais appelle ceo* Taeke, *& en Lancaſhire il eſt apelle Fermeholt, & en Eſſex*, Wyke. Plowden, fol. 169. b.

Wykettus, A *Wicket*, or little Door—— *Et cum veniſſet ad portam Eccleſiæ prædictæ, per quam competeret ipſum tranſire ad Eccleſiam, invenit eam clauſam, ita quod non patuit ingreſſus ad eandem niſi per unum parvum* wykettum.—— Will. Thorn. ſub anno 1332.

Wyliſcus, *Leg. Inæ, cap.* 70. *Duodecim mambræ ceruiſiæ* Wyliſeæ, *i. e.* Strong Beer, 30 *Blintres*, *i. e.* Small Beer, as in *Spelman Titulo Blintres.*

Wyte or Wite, *Wyta vel wita*, In Latin *Mulcta. Saxones duo mulctarum genera ſtatuere*, weram & wytam. Wera *mortis reos & graviſſime peccantes liberabat.* Wyta *mediis & levioribus delictis ſtatuta fuit, non certa ſed pro qualitate commiſſi, alias gravior, alias levior; ſalvo tamen ſemper contenemento delinquentis* (*ut lex loquitur in* Mag. Chart. cap. 14.) *hoc eſt, æſtimatione ejus, Anglice* his Countenance.—— *Ex his placitis quædam emendantur centum ſolidis, quædam* wera, *quædam* wyta, *quædam emendari non poſſunt.* Leg. Hen. 1. cap. 13. *Emendet juxta ordinis dignitatem, ſive per redemptionem, i.* were; *per forisfacturam, i.* wyte; *per legis tranſgreſſionem, i.* Laſhlite. MS. de Leg. Canuti in Biblioth. Cotton. ſub tit. *Vitellius*, C. 9.

Wythe, The ſame as *Waif.*

Wyttefry. See *Wreckfry.*

Wyvede,—— *Cum autem in boſcis noſtris aliqua ſuccideriſus, licebit eis ſine aliquo ferramento vel aliquo uſtilio ſuccibili intrare, & ramalia quæ de* wyvede *remanſerint, quæ Anglice* Spren *dicuntur, colligere.*—— *Conventio inter Priorem & Monachos Eccleſiæ Chriſti Cant. & homines ſuos de Chartham facta anno* 1166. Regiſt. Eccl. Chriſti Cant.

X.

Xantus, For *Sanctus.*

Xanta *Dei Lex eſt quæ mortuos vivere doret.*

Xenia, *Dicuntur Munuſcula quæ a Provincialibus rectoribus Provinciarum offerebantur. Vox eſt in Privilegiorum Chartis non inſueta, ubi* quietus eſſe *a* Xeniis *immunes notat ab hujuſmodi muneribus aliiſque donis Regi vel Reginæ præſtandis, quando ipſi per prædia Privilegiatorum tranſierint,* ut in Chart. domus Semplingham. *Principibus enim olim fuit in more, a ſubditis vel invitis munera extorquere. Itaq; ab hoc jugo liberos fecit Eccleſiaſticos Æthelbaldus Rex Merciorum* Anno 747. ut ab exemplari Chartæ ſuæ tum apud Ingulphum Sax. tum Will. Malmsb. lib. de Geſt. Reg. Angl. p. 29. l. 4. his verbis habetur. *Concedo ut omnia Monaſteria & Eccleſiæ Regni mei a publicis vectigalibus, operibus & oneribus abſolvantur.*—— *Nec munuſcula, præbeant Regi vel principibus niſi voluntaria.* Spelm. So in Memorand. Scaec. de anno 20 E. 3. Trin. Rot 3. *Nulla autem perſona, parva vel magna, ab hominibus & terra Radingenſis Monaſterii exigat non equitationem ſive expeditionem, non ſummagia, non vectigalia, non navigia, non opera, non tributa, non* Xenia, &c.

2

Xeno-

Tenodochium *Interpretatur hoſpitium*, An Inn by publick Licence allowed, for the Entertainment of Strangers, and other Gueſts. It may alſo be interpreted an Hoſpital, *In qua valetudinarii & ſenes, id eſt, infirmi, recipiuntur & aluntur.* See *Vocab. utriuſq; juris, verb. eodem.*

Y.

Ya & Nay,— *Quod homines ſui* (*Ripponienſes*) *ſint credendi per ſuum* Ya *& per ſuum* Nay *in omnibus Querelis & Curiis, licet tangen* Freedmortel, *&c.* Charta Athelſtani Regis. Mon. Ang. Tom. 1. pag. 173. a.

Yard, *Virga*, Is a well known Meaſure, Three Foot in Length, which (Sir *Richard Baker* in his *Chronicle*, ſays) *Henry* the Firſt ordained by the Length of his own Arm. See *Virga ferrea.*

Yardland, *Virgata Terræ*, Is a Quantity of Land, various according to the Place; as at *Wimbleton* in *Surry* it is but Fifteen Acres, in other Counties Twenty; in ſome Twenty-four, in ſome Thirty, and in others Forty Acres: Virgata terræ *continet* 24 *Acras*, & 4 Virgatæ *conſtituunt unam Hydam, & quinque Hydæ conſtituunt feodum militare.* MS. Abbatiæ Malmsb. This *Yardland*, *Bracton*, *lib.* 2. *cap.* 10, & 27. calls *Virgatam terræ*, but expreſſes no Certainty what it contains. It is called a *Verge of Land*, *Anno* 28 E. 1. *Statute of Wards.* See *Selden's Titles of Honour, fol* 622.

Yare, A River in *Norfolk.* See *Garienus fluvius.*

Yarmouth. See *Gariannonum.*

Yburpananſtea, *i. e.* The ſtealing a Calf or Ram, or as much as a Man can carry on his Back. *Skena* could not tell the Original of the Word, but *Spelman* ſays it is compounded of the Letter *y*, for *you*, and *Byrvin*, which ſignifies a Burthen, and *ſaca* a Sack, *i. e.* a Burthen in a Sack.

Yconomus, *Oeconomus*; an Advocate, Denfender, or Patron.—— *In Eccleſia illa Rex iſta vice agens* Yconomi *& Cuſtodis ſpecialis.* Vit. Abbat. S. Albani.

Year. *Beda de ratione temporum*, tells us, That our Anceſtors computed their Months according to the Courſe of the Moon; and that they began the Year at *Chriſtmas:* This appears by the antient Grants and Charters mentioned in the *Monaſticon*, 1 *Tom.* 62. *viz. Acta apud Weſtmonaſterium, &c. Kalendas Januarii die ſanctorum Innocent. Anno Dominicæ incarnationis* MLXVI. which Method of Computation was obſerved here to the Time of *William* the Conqueror, and for the greateſt Part of his Reign, as may be ſeen in the *Monaſtic.* 1 *Tom. pag.* 43, 53. but afterwards the Year of our Lord was ſeldom mentioned in any Grants, but only the *Year* of the Reign of the King. See *Curriculus.*

Year and Day. *Annus & Dies*, Is a Time that determines a Right in many Caſes; and in ſome works an Uſucaption, in others a Preſcription; as in Caſe of an Eſtray, if the Owner (Proclamations being made) challenge it not within that Time, it is forfeit: So is the *Year and Day* given in Caſe of Appeal, in Caſe of Deſcent after Entry or Claim; of no Claim upon a Fine or Writ of Right at the Common Law; ſo of a Villain remaining in antient Demeſne: Of a Man ſore bruiſed or wounded: Of Protections, Eſſoins in reſpect of the King's Service; of a Wreck, and divers other Caſes. *Co. Vol.* 6. *fol.* 107. And that touching tho Death of a Man, ſeemeth an Imitation of the Civil Law. *Nam ſi mortiſere fuerit vulneratus & poſtea poſt longum intervallum moriatur ſit, inde annum numerabimus*; Secundum Julianum l. ait lex ☞ ad legem Aquil.

Year, Day, and Waſte, *Annus, Dies & Vaſtum*, Is a Part of the King's Prerogative, whereby he challengeth the Profits of their Lands and Tenements for a *Year and a Day*, that are attainted of Petty Treaſon or Felony, whoever is Lord of the Manor whereto the Lands or Tenements belong; and not only ſo, but in the End may *waſte* the Tenements, deſtroy the Houſes, root up the Woods, Gardens, Paſture, and plough up the Meadows, except the Lord of the Fee agree with him for Redemption of ſuch *Waſte*, afterwards reſtoring it to the Lord of the Fee; whereof you may read at large in *Staundf. Prærog. cap.* 16. *fol.* 44.

Yeman, or Yeoman, or Yoman, A Derivative of the Saxon *Geman*, *i. Communis.* Theſe *Cambden* in his *Brit. pag.* 105. placeth next in order to Gentlemen, calling them *Ingenuos*, whoſe Opinion the Statute affirms, *Anno* 6 *Rich.* 2. *cap.* 4. and 20 *R.* 2. *cap.* 2. Sir *Thomas Smith* in his *Republ. Anglorum, lib.* 1. *c.* 23. calls him a *Yeoman*, whom our Law calls *Legalem hominem*, which (ſays he) is in the *Engliſh* a free-born Man, that may diſpend of his own Free Land in yearly Revenue to the Sum of Forty Shillings Sterling. *Verſtegan* in his *Reſtitution of decayed Intelligence, cap.* 10. writes, That *Gemen* among the antient *Teutonicks*, and *Gemein* among tho modern, ſignifies as much as *Common*, and the Letter G. being turned into Y. is written *Yemen*, which therefore ſignifies a *Commoner. Yeoman* alſo ſignifies an Officer in the King's Houſe, in the middle Place between the Serjeant and the Groom, as *Yeoman* of the *Chandry*, *Yeoman* of the *Scullery.* 33 *H.* 8. *cap.* 12. *Yeomen* of the *Crown*, 3 *E* 4. 5. The Word *Youngmen* is uſed for *Yeomen*, in the Statute 33 *H.* 8. *cap.* 10. and I have ſeen it written *Yeman* in old Deeds. See *Yemen.*

Yeme Is an antient Corruption of *Hieme*, Winter, as I have ſeen in an old Deed.——*Reddend.* ——*Ad Feſtum S. Martini in* Yeme, *&c.* And in another of 4 *Edw.* 3. thus,—— *Reddend. quando dict. quatuor acræ terræ ſeminantur ſemine* Yemali, *duodecim Buſſel. boni & legalis frumenti ad Feſtum Purificationis, &c.*

Yeven or Yeoven (as we uſe at the End of Indentures and other Inſtruments, *Yeoven, the Day and Year firſt above written*) is derived from the Saxon *Geovian, i. e. Dare*, and is the ſame with *Given.* So *Dictum de Kenelworth* concludes with ——Yeoven, *and Proclaimed in the Caſtle of* Kenelworth *the Day before the Calends of Nov. Anno* 1256.

Yew Is derived by *Minſheu*, from the *Greek* Word ἰὸς, which ſignifies to hurt, probably, becauſe before the Invention of Guns, our Anceſtors made Bows with this Wood, with which they hurt their Enemies, and therefore they took Care to plant the Trees in the Church-yards, where they might be often ſeen and preſerved by the People.

Yielding and Paying (*Reddendo & ſolvendo*) Is a Corruption from the Sax. *Geldan*, and *Gildan*, *Solvere, præſtare.* And in *Domeſday*, *Gildare* is frequent-

ly uſed for *Solvere, reddere*; the Saxon G, being often miſtaken into Y.

Yingman, Leg. H. 1. cap. 15. *Danagildum quod aliquando* yingeman *dabatur*, i. 12. *de unaquaque hida per annum; ſi ad terminum non reddatur*, wita *emendetur. Spelman* thinks this may be miſtaken for *Ingliſhman*, or as we ſay now *Engliſhman*, though he finds it written *yingeman* both in Sir *Robert Cotton's Codex* and his own.

Ypſivremeta Signifies in Latin *Altitonans, i. e.* God.

Dic rogo, die lachrymis pietatis clauſula, Jeſu,
Parce tuo famulo, Ypſivremeta *pie.*

Yſicius. *Anketel*, in the Reign of King *Ethelred*, gave to the Abbot and Monks of *Ramſey* the Land of *Hicheling*, to receive from it this annual Sum or Rent in Proviſions——*ad feſtum S. Benedicti quod eſt in æſtate* 10 *mittas de braſeo & 5 de gruto, & 5 mittas farinæ triticeæ, & 8 pernos, & 16 caſeos, & 2 vaccas pingues——in capite autem quadrageſimæ 8 fratribus yſicios annuatim*——Hiſtor. Rameſ. ſect. 144. By *yſicios* underſtand, what in Old *Engliſh* they call *Yſinges*, a Sort of pickled Salmon.

Yvernagium, (From the French *Hyvernee*, that is, the Winter-Seaſon) was antiently uſed for the Winter Seedneſs, or Seaſon for ſowing of Corn; *Dictus vero Willielmus & hæredes ſui arabunt unum ſelionem ad* yvernagium, *& unum ſelionem ad ſemen Quadrageſimale, & unum ſelionem ad warectum, &c.* Charta Richardi de Harecourt penes Tho. Wallaſcot Arm. ſine Dat.

Yule, Deep in the North Parts of *England*, the Country People call the *Feaſt of the Nativity of our Lord*, uſually termed *Chriſtmas*, *Yule*, and the Sports uſed at *Chriſtmas*, here called *Chriſtmas Gamboles*, they ſtile *Yule-Games*. *Yule* is the proper *Scotch* Word for *Chriſtmas*. See the Act 1 *Geor. cap.* 8. for repealing an Act intituled, *An Act for repealing Part of an Act paſſed in the Parliament of* Scotland, *intituled*, An Act for diſcharging the *Yule-Vacance.*

Z.

Zabulum, (Latin *Sabulum*) Groſs Sand or Gravel. *Quinque Plauſtratas Zabuli*, for Five Wain-loads of Sand. *Computus temp. Hen. 6.*

Zabulus, *i. e. Diabolus:* It is mentioned in ſeveral of our Hiſtorians, *viz*, *Gildas in Excidio Britanniæ*, *Edgar in Leg. Monachorum Hydenſium*, *c.* 4.

Zaconeꝛ, For *Diacones.*

Zala, *i. e. Incendium:* It is probable from hence we derive the *Engliſh* Word *Zeal.*

Zatoby, *i. e.* Sattin: It is mentioned in the *Monaſt.* 3 *Tom. pag.* 177.

Zealot, *Zelotes*, Is for the moſt Part taken *in pejorem ſenſum*, and ſo we Term one that is a *Separatiſt* or *Schiſmatick* from the Church of *England*, a *Zealot*, or a Fanatick; which are well known Terms of Separation.

Zeta, A Dining-Room, Hall, or Parlour.——*Elphegus cum* Zetam *veluti pranſurus intraret, tam vacuus fere a menſa ſurrexit, quam vacuus ad menſam acceſſit.* Osborn. vita S. Elphegi apud Whartoni Angl. Sacr. P. 2. p. 127.

Zomata For *Somata.*

Zuche, Zucheus, *Stips ſiccus & aridus*, A withered or dry Stock of Wood, *Rex*, &c. *Quia accepimus per Inquiſitionem quod non eſt ad dampnum ſeu præjudicium noſtrum aut aliorum, ſi concedimus dilecto valecto noſtro Ric. de Stelley omnes* Zuches *aridos, qui Anglice vocantur* ſtovenes, *infra Haiam noſtram de Beskewood, quæ infra foreſtam noſtram de Shirewood*, &c. Pla. Foreſt. in Com. Nott. de Anno 8 H. 3. ——*Auxilium faciend. Burgenſibus Salop. de veteribus* Zuchis, *& de mortuo boſco*, &c. Clauſ. 4 Hen. 3. m. 10. *Rex conceſſit Thomæ de Colvile omnes* Zucheos *aridos, vocat.* Stubs, *arborum ſucciſorum, in Foreſta de Galtres, ibidem capiend. per viſum Cuſtodis foreſtæ ultra Trentam.* Pat. 22 Edw. 3. Par. 3. m. 12.

AN APPENDIX

CONTAINING

The ancient Names of Places here in *England*, and alſo an Alphabetical Table of antient Surnames; very neceſſary for the Uſe of all young STUDENTS, and others, who intend to converſe with Old *Records*, *Deeds*, or *Charters*. Amended and Enlarged.

A.

A Blato Bulgio,	
Abballaba, Applebeia,	}
Abum,	
Abbandunum, Abbendoma, Abendonia,	}
Abone, Abonis,	}
Abrevicum,	*Berwick* on *Tweed.*
Abbas æſtuarium,	*Humber* in *Yorkſhire.*
Achelanda,	*Biſhops Aukland* in the Biſhoprick of *Durham.*
Adelingia,	*Athelney* in *Somerſetſhire.*
Ad-Lapidem,	*Stoneham* in *Hampſhire*, near *Redbridge.*
Ad-murum,	*Waltown.*
Ad-pontem,	*Pawnton* in *Lincolnſhire.*
Adros, *vel* Andros, *vel*	} *Bardſey Iſland* betwixt *Wales* and *Ireland.*
Andium,	
Adurni portus,	*Ederington* in *Suffolk.*
Ædudæ,	*The Iſles* of *Hebrides* to the Weſt of *Scotland.*
Æliani-Porta,	*An old Town near* Hadrian's *Wall in the N. of* Engl.
Ætona,	*Eaton* in *Berkſhire.*
Aſcna, Agelocum,	} See *Segelocum.*
Ager Maridunenſis,	*Carmarthenſhire.*
Alannius,	*The River* Avon *in* Wiltſhire.
Alaunicus portus,	*Milford-Haven.*
Alaunicus Pons, Alaunodunum, Alaunus, flu *vel* Alanus,	} *Maidenhead* in *Berkſhire.*
Album Monaſterium,	*Whitchurch* in *Shropſhire.*

B

Ulneſſe or *Bolneſſe* in *Cumberland.* *Apulby* in *Weſtmorland.*	
The River Humber.	
Abingdon, in *Berkſhire*, formerly called *SEWSHAM.*	
Avington or *Aventon* in *Glouceſterſhire.*	
Alcnus, flu.	*The River* Alen *in* Dorſetſhire, *another in* Denbighſhire, *alſo the River* Alne *in* Warwickſhire.
Alion, Alione, Alone,	} *Lancaſter*, alſo *Whitby-Caſtle* in *Cumberland.*
Alone, flu.	*The River* Alon *in* Northumberland.
Amboglanna,	*Ambleſide in Weſtmorland.*
Ambroſii burgus,	*Amesbury* in *Wilts.*
Amæniſſima montana de Balſham,	*Gogmagog* Hills near *Cambridge.*
Ancalites,	*The Hundred of* Denby *in* Oxfordſhire.
Anderida,	*Newenden* in *Kent.*
Andevera,	*Andover in Hantſhire.*
Angleſega, Mona,	} *Angleſey.*
Anguillaria inſula,	*The Iſle of* Ely.
Anguillarianum Monaſterium,	*The City of* Ely.
Antiveſtæum,	*The Lands End.*
Autona, *vel* Aufona,	} *Auſon* or *Nen* in *Northamptonſhire.*
Apiacum,	*Pap-Caſtle* in *Cumberland.*
Aquæ calidæ, Aquæ ſolis,	} *Bath City* in *Somerſetſhire.*
Akeman-ceſter,	*Eidure, vulgo Eatoun.*
Aquædon,	*Waterdon.*
Aquædunenſis ſaltus,	*Eiford.*
Aquævadenſis pons,	*Aieton.*
Aquædunum,	*Hoxten* inſtead of *Eagles-Town.*
Aquilædunum,	*Ireby* in *Cumberland.*
Arbeia,	*Kencheſter* near *Hereford.*
Ariconium, Arundelia, Arundellum,	} *Arundel* in *Suſſex.*
Aruntina vallis,	
Arundinis vadum,	*Redbridge* in *Hantſhire.*

A Table of the Names of Places, &c.

Arunus, fl. — *The River* Arun *in* Suſſex.
Arvonica, — *Carnarvonſhire.*
Arus, fl. — *The River* Are *in* Yorkſhire.
Aſaphenſis epiſcopat', — *The Biſhoprick of St.* Aſaph.
Athanaton, — *The Iſle of* Thanet *in* Kent.
Atheſis flu. — *The River* Tees *in the Biſhoprick of* Durham.
Attrebatii, — *Berkſhire Men.*
Auſona, — *The River* Nine *in* Northamptonſhire.
Avalonia, — *Glaſtonbury* in *Somerſetſhire.*
Auguſta Trinobantum — *London.*
Avena, flu. — *Aven* in *Wiltſhire.*
Avona, flu. — *The River* Avon, *that runs by* Malmesbury, Bradford, Bathe, Briſtol.
The River Nen, *that runs through* Northamptonſhire *by* Oundle, Peterborough. *and into the Sea near* Lin.
The Avon *that flows by* Amesbury, Salisbury, *and ſo into* Dorſetſhire.
The Waveney *that divides* Norfolk *and* Suffolk *runs by* Bongay, *corruptly ſo called for* Avoncy.
The Avon *riſing not far from* Naſeby *in* Northamptonſhire, *runs by* Warwick, Stratford, Eveſham, *and into the* Severn *at* Tewkesbury.
Avona, — *Bungey* in *Norfolk.*
Avona, — *Hampton-Court* according to *Leland.*
Avondunum, — *Hampton-Court* according to *Leland.*
Avonæ vallis, — *Avondale* or *Oundle* in *Northamptonſhire.*
Axelodunum, — *Hexam* in the Biſhoprick of *Durham.*

B.

Bachelaganæ ſylvæ, — *Agley.*
Badiza, — *Bath* in *Somerſetſhire.*
Badonicus mons, — *Bannes-down*, a Hill over a little Village near *Bath* called *Bathſtone.*
Bainardi caſtellum, — *Baynard's Caſtle* in *London.*
Bainus pons, — *Bainbridge* in *Yorkſhire.*
Balnea, — *Bath City.*
Batha, — *Bath City.*
Bathonia, — *Bath City.*
Bannavenna, — *Northampton*, or rather *Weedon on the Street.*
Bannaventa, — *Northampton*, or rather *Weedon on the Street.*
Banus, flu. — *The River* Ban *in* Lincolnſhire.
Bardunus, — *A River near* Norwich *in* Norfolk.
Bana-Inſula, — *An Iſland about three Miles from the River* Tafi *in* Glamorganſhire.
Baſenga, — *Baſing* in *Hantſhire.*
Baſingum, — *Baſing* in *Hantſhire.*
Baterſega, — *Batterſey.*
Bearrocſcira, — *Berkſhire.*
Bedeforda, — *Bedford.*
Bedfordia, — *Bedford.*
Belgæ, — *The Inhabitants of* Somerſet, Wilts *and* Hantſhire.

Belcrium prom. — *See* Antiveſtæum.
Bellinus ſinus, — *Billingſgate.*
Beliſama, — *Rhibelmouth* in *Lancaſhire.*
Bellelanda, — *Biland* in *Yorkſhire.*
Belloclivum, — *Beldeſert* in *Warwickſhire.*
Bello-deſertum, — *Beldeſert* in *Warwickſhire.*
Bellus locus, — *Beldeſert* in *Warwickſhire.*
Bercæia, — *Berkſhire.*
Bercheria, — *Berkſhire.*
Berechingum, — *Barking* in *Eſſex.*
Berclea, — *Berkley* in *Glouceſterſhire.*
Bermundi inſula, — *Bermondſey* in *Surrey.*
Bernardi Caſtellum. — *Bernard-Caſtle* in the Biſhoprick of *Durham.*
Bernicia, — *Was a Province reaching from the River* Tees *to* Edenborough Frith *in* Scotland.
Berwicus, — *Berwick upon Tweed.*
Beverlea, — *Beverley* in *Yorkſhire.*
Beverlacenſis, — *Of or belonging to* Beverley.
Bibrocaſſi, — *The Hundred of* Bray *in* Yorkſhire.
Bibroci, — *The Hundred of* Bray *in* Yorkſhire.
Bimonium vinocium — *Bincheſter* in the Biſhoprick of *Durham.*
Brinonium vinovia, — *Bincheſter* in the Biſhoprick of *Durham.*
Binovia, — *Bincheſter* in the Biſhoprick of *Durham.*
Binovium, — *Bincheſter* in the Biſhoprick of *Durham.*
Biſhamum, — *Biſham* in *Berkſhire.*
Blacamora, — *Part of the North-Riding of* Yorkſhire,
Blancaforda, — *Blandford* in *Dorſetſhire.*
Blancum caſtrum, — *Blane-Caſtle* in *Monmouthſhire.*
Blatum Bulgium, — *Bulneſſe* or *Bolneſſe* in *Cumberland.*
Bleſtium, — *Old Town* in *Herefordſhire.*
Boccinum, — *Buckingham* and *Buckenham.*
Bodiamum, — *Bodiam* in *Suſſex.*
Bodotria, — *Edenborough Frith.*
Bolerium Prom. — *See* Antiveſtæum.
Bonium ſeu Bovium, — *Boverton* or *Cowbridge* in *Glamorganſhire*, alſo *Bangor* or *Banchor* in *Flintſhire.*
Boræum Prom. — *St.* Ellen's Cape.
Borcovium, — *Berwick upon Tweed.*
Borcovicus, — *Berwick upon Tweed.*
Botelega, — *Bouley* near *Oxford.*
Bovium, — *Boverton* in *Brecknockſhire.*
Braboniacum, — *Brougham* in *Weſtmerland.*
Bracchium, — *Burgh* in *Yorkſhire.*
Brachilega, — *Brackly* in *Northamptonſhire.*
Bramptonia, — *Brampton* near *Huntington.*
Brannodunum, — *Brancheſter* in *Norfolk.*
Branovium, — *The City of* Worceſter.
Branoricum, — *The City of* Worceſter.
Bravinum, — *The City of* Worceſter.
Branconium, — *The City of* Worceſter.
Brannovium, — *The City of* Worceſter.
Brechinia, — *Brecknock.*
Bremenium, — *Rocheſter* in *Northumberland.*
Bremcntonacum, — *Overborow* in *Lancaſhire.*
Brementuracum, — *Brampton* in *Cumberland.*
Brentæ Vadus, — *Brentford* in *Middleſex.*
Brigantes, — *Inhabitants of* Yorkſhire, Lancaſhire, *Biſhoprick of* Durham, Weſtmorland *and* Cumberland.
Brigantium, — *York City.*

Bridge

A Table of the Names of Places, &c.

Brige *vel* Brage, *Broughton* in *Hantſhire.*
Briſtolia, Briſtowa, Brocavum, Brocave, Broconiacum, Brovonacis, Brovonacum, *The City of* Briſtol. *Brougham* in *Weſtmorland.*
Bromfelda, *Bromfield* in *Denbighſhire.*
Bucoſtenum, *Buxton* in *Derbyſhire.*
Budeforda, *Bedforda.*
Bullæum ſilurum, *Buelth* in *Denbighſhire.*
Burrium, *Uske* in *Monmouthſhire.*
Buſtelli domus. *Buſtleham* or *Biſham* in *Berks.*

C.

CAcaria, Calcaria, *Tadcaſter* or *Helcaſter* in *Yorkſhire.*
Calatum, Caermardinia, *Carmardin.*
Caerperis, *Portcheſter.*
Caer-ſeverus, *Sarisbury.*
Caer Lincoit, *Lincoln.*
Cæſaria, *Jerſey Iſle.*
Cæſaro-magus, *Burgſted.* alſo *Burntwood* in *Eſſex.*
Calacum, Calagum, *Overborow* in *Lancaſhire,* alſo *Wheatpe-Caſtle* in *Cumberland.*
Calaterium nemus, *The Foreſt of* Galtres *in* Yorkſhire.
Calderus flu. *The River* Calder *in* Yorkſhire.
Caledonia, *Scotland.*
Caledonius Oceanus, *The Scottiſh Sea.*
Caledonii, *Thoſe that inhabited on both ſides of Mount* Grampius *in* Scotland.
Caleva *vel* Calena, Calna, *Wallingford* in *Berkſhire.* *Calne* in *Wiltſhire.*
Calonia, *Coldingham.*
Camaletum, *Camalet-Caſtle.*
Cambodunum, *Ruines near* Almonbury *in* Yorkſhire.
Camboricum, *Grandceſter.*
Camboritum, *Cambridge.*
Cambretonium, Cambretovium, *A Place by* Breton-Spring *in* Suffolk.
Cambria, *Wales.*
Camoladunum, Camolodunum, Camudolanum, Camulodunum, *Maldon* in *Eſſex.*
Campordunum, *See* Cambodunum.
Candalia, *Kendal* in *Weſtmorland.*
Candida caſa, *Whiteberne* in *Scotland.*
Canonium, *Canonden* in *Eſſex,* alſo *Chelmsford* in the ſame County.
Cantabrigia, *Cambridge Univerſity.*
Cantium, *Kent.*
Cantium prom. *The Northforeland.*
Cantuaria, *Canterbury City.*
Capræ-caput, *See* Gabroſentum.
Carboriarius callis, *Coleſhill* in *Flintſhire.*
Carleolum, *The ancient City of* Carliſle *in* Cumberland.
Cardigania, Carmathinia, Carnarvonia, *Cardigan* *Carmarthen* *Carnarvon* in *Wales.*

Carenii, *Inhabitants of* Cathenſis *in* Scotland, *according to* Camb. Ortelius *places them more Northward than the* Carnonacæ, *on the Weſt-ſide of* Scotland.
Carnonacæ, *People who inhabited beyond the River* Longas, *on the Weſt-ſide of* Scotland.
Carphillis, *A famous Caſtle ſuppoſed to be built by the* Romans *in* Glamorganſhire.
Caſſi, Caſſii, *The Hundred of* Cayſhow *in* Hertfordſhire.
Caſſiterides, *The Iſlands of* Sylly.
Caſcivelauni oppidum *The Old City of* Verulam.
Caſtra alata *vel* Caſtrum alatum, Caſtrum puellarum *Edenburgh City* in *Scotland.*
Caſtra exploratorum, *Burgh* on the Sands in *Cumberland.*
Caſtrum de vics, Caſtrodunum, *The Devizes* in *Wiltſhire.*
Contaracta flu. *The River* Swale *in* Richmondſhire.
Cataracta, Cataractonium, *Catarick-Bridge.*
Catuellani, Cattitudani, Cathrieludani, Cattieuchlani, *The People of* Buckingham, Bedford *and* Hertford *Shires.*
Cavoda, *Cawood* in *Yorkſhire.*
Cauna, *See* Covennos.
Cauſennæ, Cauſennis, *See* Gauſennæ.
Cavum Deiram, *Holderneſs* in *Yorkſhire.*
Ceangi & Cangi *People about* Cheſhire, *as* Cambden *ſuppoſes.*
Celnius, *Suppoſed to be the River* Keillan; *it riſes below Mount* Grampius *in* Scotl. *and falls into the* Germ. *Ocean.*
Cenion Cemo flu. *The River by* Tregony *in* Cornwall.
Centum fontes, *Hundreds kelde.*
Cerdici vadum, *Chardford* in *Hantſhire.*
Ceretica, *Cardiganſhire.*
Cernelienſe cœnobium *Cerne* in *Dorſerſhire.*
Cerones, Creonii, *The Inhabitants of* Aſſherſhire *in* Scotland, *according to* Cambden.
Ceroti inſula, Certeſia, *Chertſey* in *Surrey.*
Cervi inſula, *Hartle-Pool.*
Ceſtria, Cheſtrum, *Cheſter City.*
Chinegliſhi caſtrum, *Kenelworth-Caſtle.*
Cheva, *Kew* in *Surrey.*
Chirca, *Chirke* in *Denbighſhire.*
Ciceaſtria, Ciceſtria, *Chicheſter* in *Suſſex.*
Cilurinum, Cilurnum, *Collerton* or *Collerford* in *Northumberland.*
Cirenceſtria, *Ciceſter* or *Cirenceſter* in *Glouceſterſhire.*
Clara-fontanus, Clarus fons, *Shirburn.*
Claudia, Claudioceſtria, Clevum, Glevum, *Glouceſter City.*
Clauſentum, *Southampton.*

Co-

A Table of Names of Places, &c.

Coccium,	*Ribblechester* in *Lancashire.*
Cokarus, Cocarus,	*The River* Cocar *in* Lancashire, *&* Coke *in* Yorksh.
Colonia, Coludi, Coldania.	*Coldingham* in *Scotland.*
Colcestria, Colonia,	*Colchester* in *Essex.*
Colonia victricensis,	*Maldon* in *Essex.*
Colunum.	*Colebrook* in *Middlesex.*
Comberetonium, Combretovium,	*Brettenham* in *Suffolk.*
Concangium,	*The Barony of* Kendale.
Condate,	*Congleton* in *Cheshire.*
Condercum,	*Chester upon the Street* in the Bishoprick of *Durham.*
Canonium,	*Chelmsford* in *Essex.*
Canovium,	*Caerhean* upon *Conway* in *Carnarvonshire.*
Conovius,	*The River* Conway, *that divides* Carnarvonsh. *from* Denbighshire,
Convennon, Convennos insula,	*Convey-Island* at the *Thames Mouth* in *Essex.*
Conventria, Coventria,	*Coventry City* in *Warwickshire.*
Coqueda insula,	*The Isle of* Coquet.
Coria & Curia,	*Corebridge* in *Northumberl.*
Corinia,	*Cornwal.*
Corinium,	*Cirencester* in *Gloucestershire, as* Cambden *thinks.*
Corinus flu.	*The River* Churne *that runs by* Cirencester.
Coritani, *vel* Coritavi,	*People of* Northampton, Leicester, Rutland, Derby, *and* Nottinghamshires.
Cornavii *vel* Cornabii,	*Inhabitants of* Warwick, Worcester, Stafford, Shropshire *and* Chesh.
Cornubia,	*Cornwal.*
Cornubium Monasterium,	*Horn-Church* in *Essex.*
Corstopilum, Corstopitum Curia,	*Corbridge* upon *Tyne*, says *Talbot*, *Morpit* in *Northumberland*, as *Cambden*, *Curebridge* by *H. Huntingdon*, and *Corebridge* by *Hoveden.*
Cotteswoldia,	*Cotswold* in *Gloucestershire.*
Covi Burchelega,	*Coverley* in *Gloucestershire.*
Cranburna, Craneburgum, Burginatium,	*Cranborn* in *Dorsetshire*, or *Conenburgh* in *Cleveland.*
Craven,	*The County of* Craven *in* Yorkshire.
Crecolada *vel* Græcolada,	*Creeklade* in *Wiltshire.*
Cridea,	*Crediton* or *Kirton* in *Devonshire.*
Crococalana, Crocolana,	*Ancaster* in *Lincolnshire.*
Croylandia,	*Crowland* in *Lincolnshire.*
Cumbria, Cumberlandia,	*Cumberland.*
Cunetio,	*Marleborow* in *Wiltshire.*

D.

Danmonii *vel* Damnonii,	*People of* Devonshire *and* Cornwal.
Danica Sylva,	*Andredswald Forest* in *Sussex*: Also the Forest of *Dean* in *Gloucestershire.*
Danmoniorum Promontorium,	*The* Lizzard *in* Cornwal.
Danubiæ,	*The Forest of* Dean *in* Gloucestershire.
Danum,	*Doncaster* in *Yorkshire.*
Danus flu.	*The* Dane *in* Lincolnshire. *The* Dan *or* Daven *in* Cheshire. *The* Don *or* Dun *in* Yorkshire.
Darbia *vel* Derbia	*The Town of* Derby.
Darbiensis comitatus,	*Derbyshire.*
Darventia,	*The River* Derwent *in* Derbyshire.
Darvernerum,	*Rochester* in *Kent.*
De alto Pecco,	*The Castle in the Peake in* Derbyshire.
Deilocum,	*Godstow* in *Oxfordshire.*
Deira,	*The Part of the Kingdom of the* Northumbers *that lay on this side* Tyne.
Deira sylva,	*Deirhurst* in *Gloucestershire.*
Dela,	*Deal* in *Kent.*
Delgovitia,	*Godmanham* in *Yorkshire.*
Demetæ,	*People of* West-Wales.
Demetia,	*West-Wales.*
Denbighia,	*Denbigh* in *Denbighshire.*
Derentivadum,	*Dartford* in *Kent.*
Derwentio,	*Auldby* upon *Derwent* in *Yorkshire.*
Deva flu.	*The River* Dee *in* Cheshire.
Deva *seu* Devana urbs	*Chester* or *West-Chester.*
Devonia,	*Davonshire.*
Dictum,	*Diganwey* in *Carnarvonshire.*
Divisæ, Divisio, Castrum de Vies,	*The* Vies *or* Devizes *in* Wiltshire.
Dotuni,	*People of* Glocester *and* Oxford *Shires.*
Durobrevis,	*An old Town called* Dormanchester *on the River* Nyne *in* Northamptonshire.
Durovernum,	*The City of* Canterbury *in* Kent.
Dorfris, Dubris, Doris,	*Dover* in *Kent.*
Dorcestria, Dorkestra, Dorcinni civitas,	*Dorchester* either in *Oxford* or *Dorsetshire.*
Dorpendunum,	*Orpington* in *Kent.*
Durobrevum,	*Rochester* in *Kent.*
Dorobernia, Dorovernum,	*Canterbury.*
Dorventania,	*Derbyshire.*
Dorus flu.	*The* Dor *in* Hertfordshire.
Dovus flu.	*The* Dove *in* Derbyshire.
Dunelmensis comitatus,	*The County of the Bishoprick of* Durham.
Dunelmia, Dunelmum, Dunelmus, Dunholmum,	*Durham City.*
Dunum *vel* Dunus sinus,	*The Creek at* Dunsbey *near Whitby* in *Yorkshire.*
Dunvicus, *alias* felicis oppidum,	*Dunmock* alias *Flixton* in *Suffolk.*
Duria provincia,	*Dorsetshire.*
Durvonovaria,	*Dorchester* in *Dorsetshire.*

Dor-

A Table of the Names of Places, &c.

Dorcinia civitas, Duracaſtrum, Hydropolis, — *Dorcheſter* in *Oxfordſhire.*
Durobrevum, — *Rocheſter* in *Kent.*
Durobrivæ, — *Dornford* near *Walmeford* in *Huntingdonſhire.*
Durocobrivæ, — *Redburn* in *Hertfordſhire.*
Durolenum, — *Leneham* in *Kent.*
Durolipons, — *Gormanchester* in *Huntingdonſhire.*
Durolitum, — *Layton* in *Eſſex.*
Durotriges, — *People of* Dorſetſhire.

E.

EAST-ſexena, Eſſexia, — *Eſſex.*
Ebodia, — *The Iſle of* Alderney.
Eboracum, Eburacum, — *York City.*
Edmundi Burgus, — *St.* Edmonsbury *in* Suffolk.
Eilecuriani vallis, — *The Vale of* Aylesbury *in* Buckinghamſhire.
Eimotus flu. — *The River* Eimot *in* Cumberland.
Elgorii, — *Inhabitants of* Liddердale, Euſdale, Eskdale, *and* Aunandale *in* Scotland.
Elienſis inſula, — *The Iſle of* Ely.
Ellandunum, — *The old Name of* Wilton *in* Wiltſhire
Elteſhamum, — *Eltham* in *Kent.*
Eminentior, — *Eaton-neſs* in *Suffolk.*
Eoveſnm, Eveſtamum, — *Eveſham* or *Eveſholme* in *Worceſterſhire.*
Epeiacum *vel* Epiacum, — *Pap-Caſtle* in *Cumberland.*
Etocetum, — *Uttoxeter* in *Staffordſhire*, according to *Cambden.*
Eilimenon Gabrantonicorum, — *Everby* in *Yorkſhire.*
Epidium, — *Cantyre* in *Scotland. The Iſland that is near* Cantyre, *is likewiſe called* Epidium.
Eubonia, — *The Iſle of Man.*
Evenlodus flu. — *The River Evenlode* in *Oxfordſhire.*
ExcambiumRegiu' Periſtilium *ſive* Burſa, — *The* Royal Exchange *in* London.
Exa flu. — *The River* Exe *in* Devonſhire.
Exonia, — *Exceſter City* in *Devonſhire.*
Exploratorum Caſtra. — *Burgh upon Sands* in *Cumberland.*

F.

FAla flu. — THE *River* Vale *in* Cornwal.
Falenſis portus, — *Falmouth* in *Cornwal.*
Fanum Albani, — St. *Albans* in *Hertfordſhire.*
Fanum Iltuti, — St. *Lantwit* in *Glamorganſhire.*
Fanum Ivonis Perſa, — St. *Ives* in *Hundingdonſhire.*
Fanum Leonis, — *Leominſter.*
Fanum Neoti, — St. *Neots* in *Huntingdonſhire.*
Fanum Reguli, — St. *Andrews* in *Scotland.*
Fanum Stephani, — *Kirkby Stephen* in *Weſtmorland.*
Fauſtini villa, — St. *Edmundsbury* in *Suffolk.*
Fawenſes, — *Inhabitants of* Fowey *in* Cornwall.
Fibrilega, Fibrolega, — *Beverley* in *Yorkſhire.*
Flintia, — *Flint Town.*
Fons Brigidæ, — *Bridewell* in *London.*
Fons clarus, — *Shireburn* in *Dorſetſhire.*
Fontanenſis Eccleſia, — *Wells* in *Somerſetſhire.*
Fretum Britannicum Fretum Gallicum, Fretum Morinorum — *The Streight of* Calais.
Fromus flu. — *The River* Frome *in* Glouceſterſhire, *that runs to* Briſtol; *alſo another in* Dorſetſhire.

G.

GAbrantonicorum, Salutaris portus, Gabrantovicorum, Portuoſus ſinus, — *Suerby* in *Yorkſhire.*
Gabrocentum *vel* Gabroſentum, — Gatſhead *in the Biſhoprick of* Durham, *hard by* Newcaſtle.
Gadenii, — *Inhabitants of* Teifdale, Twedale, Merch *and* Lothian *in* Scotland.
Galva *vel* Gallava, — *Wallwick* in *Northumberland.*
Gallutum *vel* Gallagum, — *Whealp* or *Whealop Caſtle* in *Cumberland.*
Gallena, — *Wallingford* in *Berkſhire*, on the Borders of *Oxfordſhire.*
Ganganorum Prom. — *Lheyne* in *Carnarvonſhire.*
Gariononum, — *Yarmouth* in *Norf. or rather* Burgh-Caſtle *in* Suffolk.
Garrienis *vel* Gargenus flu. — *Yare River* in *Norfolk.*
Gauſennæ, — *Brig-caſterton* in *Lincolnſhire.*
Geldeforda, — *Guilford* in *Surrey.*
Genumia, — *North Wales.*
Geſſoriacum, — *The Streight between* Britain *and the* Iſle of Wight.
Gevini, — *A River* in *Wales, that runs into the River* Usk.
Geviſſi, — *People over againſt the Iſle of* Wight.
Girvii, — *Inhabitants of the Fens.*
Glamorgania *vel* Glamorgantia, — *Glamorganſhire.*
Glaſconia, Glaſtonia, — *Glaſtonbury* in *Somerſetſhire.*
Glavorna, Glevum, Gloceſtria, — *Glouceſter.*
Glenus flu. — *The Glen* in *Northumberland.*
Glotta. — *The River* Cluyd *in* Scotland; *alſo an Iſland now called* Arran *lying in the Bay of* Cluyd.
Gloveceaſtria, Glovernia, — *Glouceſter City.*
Gobanium, — *Abergavenny* in *Monmouthſhire.*
Goderici caſtrum, — *Goodrich Caſtle* in *Herefordſhire.*
Granta, — *Cambridge* as ſome think.

A Table of the Names of Places, &c.

Gravcſenda, Greva, } *Graveſend* in *Kent.*
Grenovicus, Grenovicum, Greenwicum, } *Greenwich* in *Kent.*
Gualæ, *Wales.*
Guerfa flu. *The River* Wharf *in* Yorkſhire.
Guldonicus elivus, *Guy-cliff* near *Warwick.*
Guinethia, *Wales.*
Guldforda, *Guildford* in *Surrey.*
Gumicaſtum, Gumicaſter, } *Goodmancheſter* near *Huntindon.*

H.

HAbitaneum, *Riſingham* in *Northumberland.*
Hadriani murus, *The* Picts *Wall*
Haga, *The* Hay, *or* Haſcly *in* Brecknockſhire.
Hagulſtadia, *Auſton upon Tyne* in *Northumberland.*
Hagulſtadunum, *Hexam* in the Biſhopriek of *Durham.*
Halenus, *River Avon* in *Hampſhire.*
Hamptunia, *Southampton* in *Hantſhire.*
Hanſus flu. *The River Hans* in *Staffordſhire.*
Hantonia, *Hantſhire.*
Harefordia, *Hereford City.*
Haſtingæ, *Haſtings* in *Suſſex.*
Hebrides, *A Cluſter of Iſles that lie on the Weſt Side of* Scotland.
Helenum prom. *The Lands-end.*
Helienſe cœnobium, *Ely City* in *Cambridgeſhire.*
Henlega, *Henley upon Thames.*
Herculis prom. *Hertey Point* in *Devonſhire.*
Herefordia, *Hereford City* in *Herefordſhire.*
Hertfordia, *Hertford.*
Hertfordiæ comitatus, *Hertfordſhire.*
Heſperides, *The* Sorlings *or* Scilly Iſles.
Hibernia, *Ireland.*
Hineheſega, *Hinkeſey* near *Oxford.*
Hithinus portus, *Hith* in *Kent.*
Hodneius flu. *The* Hodney *in* Brecknockſhire.
Hollandia *vel* Hoilandia, } *Holland,* a Part of *Lincolnſhire.*
Homelea flu. *The River* Humble *overagainſt the Iſle of* Wight, *in* Hantſhire.
Hroſi civitas, *Roche ſter* in *Kent.*
Humbra flu. *The River Humber* in *Yorkſhire.*
Hundeſdena, Hunſdona, } *Hunſdon* in *Herefordſhire.*
Hungreforda, *Hungerford* in *Berkſhire.*
Huntingdonia, *Huntingdon Town.*
Huntingdonenſis ager, *Huntingdonſhire.*
Hurſtelega, *Hurſtley.*
Hwiecii, *People of* Worceſterſhire, *and about* Severn.
Hydropolis, *Dorcheſter* in *Oxfordſhire.*
Hymbronenſes, *People of* Northumberland.

I.

JAmeſa, Iamiſſa, } *The* Thames *according to* Ptolomy.
Iecius portus, *Callis Whitſand.*
Ieeni, *People of* Suffolk, Norfolk, Cambridge *and* Huntingdon *Shires.*
Iciani *vel* Iſianos, } *Ickborow* in *Norfolk.*
Iƈta, *The Iſle of* Wight,
Idumania, *The River* Stone.
Idumanum æſtuar', Idumanus flu. } *The River Blackwater* in *Eſſex.*
Ingiruum, *Jarrow* in the Biſhoprick of *Durham,* where *Beda* flouriſhed.
Inſula, *Egneſham* or *Eniſham* in *Oxfordſhire.*
Inſula ſiturum, *The little Iſle of Silley* in *Severn.*
Inſula vecta, Vectis, vecteſis, } *The Iſle of* Wight.
Interamna, *Twinamburn* in *Dorſetſhire.*
Chriſt-Church in *Hantſhire.*
Iſaca *vel* Iſca, } *The River* Exe *in* Devonſhire.
Iſannavantia, Iſannavaria, Iſannavatia, } *Northampton,* or rather *Wedon on the Street* in *Northamptonſhire.*
Iſca Danmoniorum, *Exeter City.*
Iſca, legio Auguſta, Iſca legua Auguſti, } *Caerleon City* in *Glamorganſhire.*
Iſchalis, *Inelcheſter,* commonly called *Ilcheſter* in *Somerſetſhire.*
Iſidis Inſula, *Ouſney* by *Oxford.*
Iſidis vadum, *Ouſeford* or *Oxford.*
Iſis flu, *The River* Iſis *by* Oxford.
The Ouſe *that runs by* Buckingham.
Another Ouſe *that runs by* York.
Iſuria, *Yorkſhire.*
Iſurium, *Aldburgh* or *Olburrow* in *Yorkſhire.*
Itium Galliæ, *Vitſan* or *Whitſan* near *Calis* in *France.*
Ituma flu. *The River* Eden *in Weſtmorland* and *Cumberland.*
Itunna, *The River* Eden, *or* Solway Frith *in* Scotland.
Julia ſtrata, *A Highway not far from* Carleon *in* Wales.

K.

KAnus flu. *The Kin* in *Weſtmorland.*
Keneta flu. *The River Kennet* in *Wiltſhire.*
Keresburga, *Carisbrook-Caſtle* in the *Iſle of Wight.*
Keſtevena, *Keſteven,* a Part of *Lincolnſhire.*
Kinebantum caſtrum, *Kimbolton-Caſtle* in *Huntingdonſhire.*

L. Lacto-

A Table of the Names of Places, &c.

L.

Lactodorum, Lactodurum, — *Lutterworth* or *Loughborough.*
Lactorodum, Lactorudum, — *Bedford.* *Stony-Stratford.*
Lageeium, — *Caſtleford* near *Pomfret* in *Yorkſhire.*
Lamitha, — *Lambeth* in *Surrey* near *London.*
Lancaſtria, — *Lancaſter Town.*
Lancaſtrenſis Comit', — *Lancaſhire.*
Landava, — *Landaffe* in *Wales.*
Langanum Prom. — *Lleyne Promontory* in *Carnarvonſhire.*
Lavatres, Levatres, Lavatris, Levatris, — *Browes* upon *Stanemore* in *Richmondſhire.*
Lea flu. — *The River* Lea *in* Hertfordſhire.
Legeceſtria, Legaceſtria, — *The Town of Leiceſter* in *Leiceſterſhire.*
Legio 2. Auguſta, — *Carleon* in *Wales.*
Legio 6. Nicephorica, Legio 6. Victrix, — *York City.*
Legio 20. Victrix, — *Cheſter City.*
Legra, — *The River at* Leiceſter.
Lemaus portus, — *Lime* in *Kent.*
Lemanii, — *Lime-hill* or *Lime* in *Kent.*
Leogoria, — *Leiceſter* in *Leiceſterſhire.*
Leonenſe cœnobium, Leovenſe, Leofenſe, Leonis Monaſteriu', — *Lemſter* in *Herefordſhire.*
Leonis caſtrum, — *Lyons*, alias *Holt-Caſtle* in *Denbighſhire.*
Levarum, — *Loghor* in *South Wales.*
Lhoegria, — *England.*
Lichfeldia, — *Litchfield.*
Lideforda, — *Lidford* in *Devonſhire.*
Liddenus, — *The River Ledden* in *Herefordſhire* by *Malvern Hills.*
Limenus flu. — *The River* Rother.
Limnos, — *The Iſle of* Ramſey.
Limodomus, — *Lime-houſe* near *London.*
Lympida ſylva, — *Shirwood Foreſt* in *Nottinghamſhire.*
Lincolnia, Lindecollinum, — *Lincoln City.*
Lindisfarna, Lindisfarnum, — *Holy-Iſland* or *Farn-Iſle* on the Coaſt of *Northumb.*
Lindis, — *The River Witham* in *Lincolnſhire.*
Lindeſeia, Lindiſia, — *Lindſey*, a third Part of *Lincolnſhire.*
Lindocolina, Lindon, — *Lincoln City.*
Linnum Regis, *vel* Linum, — *Linne* in *Norfolk.*
Liſia, — *An Iſle called* Gulf, *near the utmoſt Part of* Cornwall.
Loghor, — *A River which is the Weſtern Limit of* Glamorganſhire.
Logii, — *The People who inhabited from Mount* Grampius *to the* German *Ocean, by the* Mertæ *in* Scotland.
Longhas, — *A River on the Weſt Side of* Scotland, *that falls into the* Weſtern *Ocean, it is called* Logh, Longhus.
Lomithis, Lonuthis, — *Lambeth* in *Surrey.*
Londinum, Londinium, Londinia, Londonia, Lundonia, — *The famous City of* London.
Loncaſtria, Longovicium, — *Lancaſter* or *Loncaſter.*
Loxa, — *The River Loſſe* in *Scotland.*
Lugas, — *The River Lug* in *Herefordſhire.*
Lucopibia, Luguballia, Lugnballum, Luguvallum, — *Carliſle City* in *Cumberland.*
Lychefeldia, — *Litchfield City* in *Staffordſhire.*

M.

MAdus, — *Maidſtone* in *Kent.*
Magæ, Magi, — *Old Radnor.*
Mageſetæ, — *People of* Radnorſhire.
Magnitum, Magioninium, Magiovinium, Magiovintum, — *Dunſtable* in *Bedfordſhire.*
Maglova, Maglona, — *Maclerith* in *Montgomeryſhire.*
Magna, — *Cheſter in the Wall* near to *Haltweſſell* in *Northumberland.*
Magnus portus, — *Portſmouth* or *Portcheſter.*
Maidulphi curia, Maidulphi urbs, Maldunenſe Monaſterium, Malmesburium, — *Malmesbury* in *Wiltſhire.*
Mala Platea, — *Ilſtreet* in *Cheſhire.*
Mailoria wallica, — *Bromfield* in *Denbighſhire.*
Malvernia, Malvernum, — *Malverene* in *Worceſterſhire.*
Malus paſſus, — *Malpas* in *Cheſhire.*
Mammucium, Mancunium, — *Manchester* in *Lancaſhire.*
Manduceſſedum, — *Manchester* in *Warwickſhire.*
Mannia, — *The Iſle of Man.*
Mannenſes, — *People of that Iſland.*
Manucium, — *Man-Caſtle* in *Lancaſter.*
Mare Britannicum, — *The Britiſh Sea.*
Mare Sabrinianum, — *The Severn Sea.*
Margidunum, Margitudum, — *A Place near Belvoyr-Caſtle* in *Lincolnſhire.*
Maridunenſis ager, — *Carmarthenſhire.*
Maridunenſes, — *The People of that Shire.*
Maridunum, — *Carmarthen Town.*
Maſſamenſis pons, — *Maſham Bridge* in *Yorkſhire.*
Mauditi caſtrum, — *St.* Maw's *Caſtle* in *Cornwall.*
Mealdunum & Camalodunum, — *Maldon* in *Eſſex.*
Meandari, — *People of Part of* Hantſhire.

Mearæ

A Table of the Names of Places, &c.

Meatæ,	*People of* Northumberland *about the Wall.*
Meanuari,	*Meanborow*, alſo *Eſtmean* and *Weſtmean Hundreds* in *Hantſhire.*
Madeguaia flu.	*The River* Medway *in* Kent.
Medena,	*New - Port* in the *Iſle of Wight.*
Mediolanium,	*Middleham* in *Yorkſhire.*
Mediolanum,	*An old Town in* Montgomeryſhire.
Mediterranei Angli,	*Staffordſhire-men.*
Medvaga,	*The River Medway* in *Kent.*
Melanclani,	*People of* Silley.
Meldunum,	*Malmesbury* in *Wiltſhire.*
Menavia,	*The Iſle of Man.*
Menevia,	*St. David's* in *Wales.*
Mercia,	*Middle England.*
Mercii,	*Middle Engliſhmen.*
Merionithia, Mervinia,	*Merionethſhire.*
Merſia,	*The River* Merſey *in* Cheſh.
Merlebrigia,	*Marleborough.*
Metaris æſtuarium,	*The Waſhes in* Norfolk.
Mevania,	*The Iſle of Man.*
Michelnia,	*Michelney* in *Somerſetſhire.*
Middleſexia,	*Middleſex.*
Mitfordia,	*Mitford* in *Northumberland.*
Molis flu.	*The Mole* in *Surrey.*
Mona,	*The Iſle of* Angleſey.
Monabia,	*The Iſle of Man* according to *Pliny.*
Monaſterium de Bello,	*Battell Abbey.*
Monaſt. de Melſa,	*Meaux Abbey* in *Yorkſhire.*
Monmuthia,	*Monmouth.*
Monochapolis.	*Newcaſtle* in *Northumberland.*
Monoeda,	*The Iſle of Man*, according to *Ptolomy.*
Mons acutus,	*Montacute* in *Somerſetſhire.*
Mons divcs,	*Richmond* in *Surrey.*
Mons Gomericus, Montgomeria,	*Montgomery* in *Wales.*
Mons Michaelis.	*St. Michael's Mount* in *Cornwall.*
Mons roſarum,	*Montroſe* in *Scotland.*
Monumetha, Monumethia,	*Monmouth.*
Morbium,	*Morsby* in *Cumberland.*
Moricamba, Moricambe æſtuar.	*The Bay of Cardronack* in *Cumberland.*
Moridunum, *vel* Ridunum,	*Seaton* in *Devonſhire.*
Mortuus Lacus,	*Mortlake* in *Surrey.*
Muridunum, *ſee* Maridunum,	*Carmarthen.*
Munus,	*The River* Munow *that parts* Herefordſhire *from* Monmouthſhire.
Murimintum *pro* Murivindum,	*Silceſter* in *Hantſhire.*

N.

NAuesbia,	*Naſeby* in *Northamptonſhire.*
Nauticus ſinus,	*Reather* or *Rotherhith*, vulgarly called *Redriff.*
Neomagus *vel* Noviomagus,	*According to* LLhuid *is* Guilford, *according to* Talbat, Croyden, *by* Cambden *and* Somner, Woodcot *about* Croyford. in *Surrey.*
Neoportus,	*Newport.*
Neoportus Paganellicus,	*Newport Pagnel* in *Buckinghamſhire.*
Nidum, Nidus,	*Neath* in *Glamorganſhire.*
Negera,	*Blackney* in *Norfolk.*
Nivicollini,	*Snowdon Hills* in *Carnarvonſhire.*
Nordhumbra,	*Northumberland.*
Nordovolca, Norfolcia,	*Norfolk.*
Northanimbria,	*Northumberland.*
Northantonia,	*Northampton.*
Northantonienſisager	*Northamptonſhire.*
Northimbria, Northumbria,	*Northumberland.*
Nortobricum, Nordoricum,	*Norton Hall* in *Yorkſhire.*
Nottinghamia,	*Nottingham.*
Nottinghamien' ager,	*Nottinghamſhire.*
Novantum prom.	*Cockermouth.*
Novantii,	*The Inhabitant of* Galloway *in* Scotland.
Noviodunum,	*Newenden* in *Kent* upon the *Rother.*
Novius,	*Conwey.*
Novus Burgus,	*Newport* in the *Iſle of Wight.*
Novum caſtellum,	*Newcaſtle* in *Northumberland.*
Novum forum, Novum Mercatum,	*New Market* in *Suffolk.*
Novus portus,	*New-Port.*
Nubiria,	*Newberry* in *Berkſhire.*
Nulla ejuſmodi, Nulli par, Nulli ſecunda,	*Nonſuch* in *Surrey.*

O.

OCeanus virgivus,	*The* Virgivian *or Weſtern Ocean.*
Occidentales Britones,	*Weſtern Britains*, or *Inhabitants of* Cornwall.
Occidua wallia,	*Cornwall.*
Occellum prom.	*Holderneſs*, alſo *Kelneſy* in *Yorkſhire.*
Ockhamptonia,	*Ockhampton* in *Devonſhire.*
Ocrinum prom.	*The Lizard Point in* Cornwall.
Octopitarum prom.	*St.* David's *Head in* Pembrokeſhire *in* Wales.
Olenacum,	*Edenborow* in *Cumberland.*
Olicana,	*Ilkely*, alſo *Hallifax*, both in *Yorkſhire.*
Ordevices, Ordovices,	*People of North Wales.*
Oreſtii,	*Inhabitants of* Argile *and* Perth *in* Scotland.
Orrea,	*A Town on the North of the River* Tay *in* Scotland.
Orus flu.	*The River Ore* in *Suffolk.*
Oſca flu.	*The River Uske* in *Wales.*
Othona,	*Ithanceſter* in *Eſſex.*

Ottadeni,

Ottadeni, Ottadini, Ottalini, Ottatini, — *People of* Northumberland.
Ottaforda, — *Otford in* Kent.
Ovinia inſula, — *The Iſle of* Shepey *in* Kent.
Oxenforda, Oxonia, Oxonium, — *Oxford City.*
Oxinaga, — *Oxney Iſle* in *Kent.*
Oza, — *The River* Ouſe.

P.

PAlus ſalſa, — *Pulcheley* in *Carnarvonſhire.*
Parathalaſſia, — *Walſingham* in *Norfolk.*
Pariſi, — *People of* Holderneſs.
Pegelandia, — *Peckirke* not far from *Crowland.*
Penbrochia, — *Pembroke* in *Wales.*
Pendinas, — *Pendennis-Caſtle* in *Cornwall.*
Penguernum, — *Shrewsbury Town.*
Penlinnia, — *A Place* in *Merionethſhire*, where is the Lake *Tagit*, whence riſes the River *Dee.*
Pennocrucium, — *Penkridge* in *Staffordſhire.*
Pennorinum, — *Penrin* in *Cornwall.*
Pente flu. — *The River* Pant *in* Eſſex.
Perſcora, Perſora, — *Perſhore* in *Worceſterſhire.*
Peterillus, Peterus flu. — *The Peterill* in *Cumberland.*
Petriburgus, Petropolis, — *Peterborow City* in *Northamptonſhire.*
Petuaria *vel* PetuariaPariſiorum — *Beverly* in *Yorkſhire.*
Pevenſea, — *Peverſey* in *Suſſex.*
Pictavia, — *The Country of the* Picts.
Picti, — *The* Picts, *a People of* Britain.
Placentia, — *The Royal Palace at* Greenwich.
Plinlimonia, — *A high Mountain in* Wales, *whence* Severn, Wye, *and* Rydol, *take their Riſe.*
Pontes, — *Reading* in *Berkſhire*, alſo *Colebrook* in *Buckinghamſhire.*
Pons Burgenſis, — *Burrowbridge* in *Yorkſhire.*
Ad Pontem, — *Paunton* in *Lincolnſhire.*
Pons Ælii, — *Pont-Eland* in *Northumberland.*
Pontus flu. — *The Pont* in *Northumberland.*
Porteſmutha, — *Portſmouth* in *Hantſhire.*
Portlandia, Portunia inſula, — *Portland Iſle.*
Portus magnus, Portus oſtium, — *Portſmouth* or *Portcheſter.*
Portus ſalutis, — *Cromarty.*
Powiſia, — *Powys*, a Part of *Wales.*
Præſidium, — *Warwick Town.*
Prætorium, — *Patrington* in *Yorkſhire.*
Procolitia, Protolitia, — *Prudhow*, or *Prudhow-Caſtle* in *Northumberland.*
Profundum vadum, — *Deptford.*
Putenega, — *Putney* in *Surrey.*

R.

RAdnoria, — *Radnor* in *Radnorſhire.*
Raga, Ragæ, — *Ratiford* or *Ratford.*
Ragancia, — *Raleigh* in *Eſſex.*
Rameſburia, — *Rameſbury* in *Wiltſhire.*
Ratæ, — *Leiceſter Town.*
Ratæ ſtabius flu. — *The* Taffe *in* Glamorganſhire.
Readingum, — *Reading* in *Berkſhire.*
Regiodunum Hullinum, — *Kingſton upon Hull* in *Yorkſhire.*
Regiodunum Thameſinum, — *Kinſton upon Thames.*
Regis Burgus, — *Queenborough* in *Kent.*
Regni, — *People of* Surrey, Suſſex, *and the Sea Coaſts of* Hantſhire.
Regni Sylva, — *Ringwood* in *Hampſhire.*
Regulbium, — *Reculver* in *Kent.*
Repandunum, — *Repton* in *Derbyſhire.*
Rhedus flu. — *The Read in* Northumberland.
Rhemnius, — *The River* Remny *in* Glamorganſhire.
Rhibellus flu. — *The Ribell* in *Lancaſter.*
Rhitubi portus, Rhutubi portus, Rhutupiæ ſtatio, Rhitupis portus, Rutupius portus, — *Reptaceſter, Ruptimuth, Richberg*, now *Richborow*, near *Sandwich* in *Kent.*
Rhobogdium prom. — *Fair foreland.*
Rhobodunum, — *Riblecheſter* in *Lancaſhire.*
Richmundia, Richmondia, — *Richmund* in *Yorkſhire*, alſo the ſame in *Surrey.*
Ripadium, — *Reppon* in *Derbyſhire.*
Ripodum, — *Rippon* in *Yorkſhire.*
Robertinus pons, — *Rother-Bridge* in *Suſſex.*
Rodecotanus pons, — *Radcot-Bridge* on the River *Iſis* in *Oxfordſhire.*
Roibis, Roffa, — *Rocheſter City* in *Kent.*
Roiſiæ oppidum, — *Royſton* in *Cambridgſhire.*
Roſſia, — *Roſſe-land* in *Cornwall*, alſo *Roſe* in *Pembrokeſhire.*
Rugnitunia, Ruitonia, Rutunia, — *Riton upon Dunſmore* in *Warwickſhire.*
Ruber clivus, — *Redcliffe* near *London*, vulgarly *Ratcliffe.*
Rupis aurea, — *Goldcliffe* in *Monmouthſhire.*
Ruthunia, — *Ruthin* in *Denbighſhire.*
Rutlandia, — *Rutlandſhire.*
Rutunium, — *Rowton* in *Shropſhire.*
Rutupiæ, — *Richborow* near *Sandwich* in *Kent.*
Rutupirum littus, — *The Foreland* in *Kent.*

A Table of the Names of Places, &c.

S.

SAbaudia,	*The Savoy* in *London.*
Sabriana *vel* Sabrina,	*The River* Severn.
Sabulovicum,	*Sandwich* in *Kent.*
Sacra inſula,	*Holy Iſle* by *Northumberland.*
Saera ſylva,	*Halifax* in *Yorkſhire.*
Salenæ, Salinæ,	*Saludy* in *Bedfordſhire.*
Salisburria, Sarisburia,	*Salisbury City* in *Wiltſhire.*
Salopesbiria, Salopia,	*Shrewsbury.*
Salopiæ comitatus,	*Shropſhire.*
Saltria,	*Sawtry* in *Huntingdonſhire.*
Sandicum, Sandovicus, Sanwicum,	*Sandwich* in *Kent.*
Sarnia,	*Guernſey Iſland.*
Saverna,	*The* Severne.
Sceptonia,	*Shaftsbury* in *Dorſetſhire.*
Schelfega,	*Chelſea* by *London.*
Schirburnia,	*Shirburn* in *Dorſetſhire.*
Scona,	*Scone* in *Scotland.*
Scoti,	*Scots.*
Scotia,	*Scotland.*
Scorberia, Scorbesberia,	*Shrewsbury Town.*
Sebaſta, altera Legio,	*Leskard* in *Cornwall.*
Secandunum,	*Seckington* in *Warwickſhire.*
Segedunum,	*Seghill* in *Northumberland.*
Segelocum, Segelogum,	*Aulert* in *Shirwood* in *Nottinghamſhire.*
	Agle in *Lincolnſhire.*
	Littleborow in *Nottinghamſhire.*
Segontium,	*Caer-ſejont* near *Caernarvon Town.*
Seguntium,	*Silcheſter* in *Hantſhire.*
Selburgi tumulus,	*Selbury Hill* in *Wiltſhire.*
Seoleſia,	*Seolſey* or *Selſey* in *Suſſex*, whence the beſt *Cockles.*
Setantiorum Palus,	*Winander Meer* in *Lancaſhire.*
Seteia æſtuar.	*Dee-mouth.*
Severia,	*Salisbury City.*
Sharpernoria,	*Sharpnore* in the *Iſle of Wight.*
Shenum,	*Shene* or *Richmond* in *Surrey.*
Sigdeles, Sillinæ inſulæ,	*The Iſles of* Scilly.
Sileſia,	*Seolſey* or *Selſey* in *Suſſex*, ſometime a *Biſhop's See.*
Silura,	*The little Iſle of* Silley *in* Severn, *as* Cambden *thinks.*
Silures,	*People of* South-Wales.
Sinnodunum,	*Sinnoden-Hill* near *Wallingford* in *Berkſhire.*
Sitomagus, Simomagus, Sinomagus,	*Thetford* in *Norfolk.*
Slepa,	*The old Name of St.* Ives *in* Huntingdonſhire.
Snawdonia,	*Snowdown* Foreſt in *Carnarvonſhire.*
Somaridunum,	*Somerton* in *Lincolnſhire.*
Somerſetenſis comitatus, Somertunenſis comitatus,	*Somerſetſhire.*
Sorbiodunum, Sorviodunum, Sorurodunum,	*Old Salisbury.*
Southamptonia,	*Southampton.*
Southeria, Surria,	*The County of* Surrey.
Southerlandia,	*Southerland* in *Scotland.*
Southria, Southriana,	*Surrey.*
Southregienſes,	*People of* Surrey.
Southſexena, Southſexia,	*The County of* Suſſex.
Southwella,	*Southwell* in *Nottinghamſhire.*
Spinarum inſula,	*Thorney Iſle*, the old Name of *Weſtminſter.*
Spinæ,	*Newberry* in *Berkſhire*, and *Spiney* near *Newbury.*
Staffordia,	*Stafford Town.*
Stanfordia,	*Stanford* in *Lincolnſhire.*
Stenum,	*Stene* in *Northamptonſhire.*
Stourus,	*The River Stour* in *Kent*, in *Dorſetſhire*, in *Suffolk.*
Stringulia,	*Chepſtow* in *Monmouthſhire.*
Strivillina,	*Sterling* in *Scotland.*
Stuceia *vel* Stucia flu.	*Yſtwith* in *Cardiganſhire.*
Sturodunum,	*Stourton* and *Stourminſter* in *Dorſetſhire.*
Sturus flu.	*The Stour* in *Derbyſhire.*
Sulcalva flu.	*The Swale* in *Yorkſhire.*
Sudoverca,	*Southwark.*
Suffolcia, Suffolicia,	*Suffolk.*
Sullomacæ, Sullonicæ,	*Brockley-Hill* near *Elleſtre* in *Hertfordſhire*, alſo *Barnet* or *Edgworth Shelney.*
Sunningum,	*Sunning* by *Reading.*
Salimnos inſula,	*Sulmey Iſle* not far from *Milford Haven.*

T.

TAffus flu.	*The* Taffe *in* Glamorganſhire.
Taizalos & Vernicones,	*People of* Northumberland.
Tama flu.	*The River* Tame *in* Oxfordſhire, *another in* Staffordſhire.
Tama oppid.	*Tame*, a Town in *Oxfordſhire.*
Tamara flu.	*The River* Tamar *in* Cornwall.
Tamawordina,	*Tamworth* in *Staffordſhire.*
Tamara oppid.	*Tamarton* in *Cornwall.*
Tamiſis,	*The* Thames.
Tanfelda,	*Tanfield* in *Yorkſhire.*
Tava,	*The River* Tay *in* Scotland.
Taviſtokia,	*Taveſtock* in *Devonſhire.*

A Table of the Names of Places, &c.

Tedfordia, *Thetford* in *Norfolk.*
Teesis & Teesa, *The River* Tees *in the Bishoprick of* Durham.
Tegæus Lacus, *The Lake* Tagit *or* Pemble Meer *in* Merionethshire *in* Wales.
Terentus flu. *The River* Trent.
Tetocuria, *Tedbury* in *Glocestershire.*
Thamisis, *The River of* Thames.
Thanaton Thanatos insula, *The Isle of* Tanet *in* Kent.
Theobaldenses ædes, *Theobalds House* in *Hertfordshire.*
Theodorunum, *Wells* in *Somersetshire.*
Theoei curia, Theokesberia, *Tewksbury* in *Glocestershire.*
Thermæ, *The* Bath *City.*
Theta, *The River on which* Thetford *stands.*
Thongum, *Thong-Castle* in *Lincolnshire.*
Thonodunum, *Taunton* in *Somersetshire.*
Thornega, *Thornege*, the old Name of *Westminster.*
Thorneia, *Thorney* in *Cambridgeshire.*
Tichfelda, *Tichfield* in *Hantshire.*
Tina & Tinna, *The River* Tine *in* Northumberland.
Tindolana, *Winchester in the Wall.*
Tinemutha, *Tinmouth* in *Northumberland.*
Tintagium, *Tintagell* in *Cornwall.*
Toliapis, Toliatis, *The Isle of* Shepey *in* Kent.
Torcestria, *Towcester* in *Northamptonshire.*
Totonesium, *Totnes* in *Devonshire.*
Trehenta, *The River* Trent.
Trenovantum, *London.*
Trenta, *The River* Trent.
Trimontium, *Atterith*, a Town in *Scotland.*
Trinoantes, Trinobantes, Trinovantes, *People of* Middlesex *and* Essex.
Tripontium, *Towceter* in *Northamtonshire.*
Trisantona, *The River* Tese *that runs into* Southampton *Bay.*
Trisanton, Trisantonis portus, *Southampton.*
Tuesis, *Berwick upon Tweed.*
Tunnocellum, Tunocellum, *Tinmouth* in *Northumberland.*
Turobius, *The River* Teivi *in* Wales.

V.

VAdum pulchrum, *Fairford* in *Glocestershire.*
Vaga flu. *The River* Wye *in Herefordshire.*
Vagniacæ, *Wrotham* in *Kent.*
Vagniacum. *Maidstone* in *Kent.*
Vallis aurea, *Golden Vale* in *Herefordshire.*
Vallis crucis, *The Vale of the Cross in* Denbighshire.
Vallum, *The Picts Wall.*
Vandalis flu. *The River* Wandle *in* Surrey.
Vandelbiria, *Wandlesbury*, a Fort on the Hills near *Cambridge.*
Vanatinga, *Wantage* in *Berkshire.*
Varia flu. *The* Frome *at* Dorchester, *in* Dorsetshire.
Varis, *Boduary* in *Flintshire.*
Vecta, Vectesis, Victesis, *The Isle of Wight.*
Venantodunia, *Huntingdonshire.*
Venantodunum, Venatorum mons, *Huntingdon Town.*
Venedotia, *North Wales.*
Venta Belgarum, *Winchester* in *Hantshire.*
Venta Icenorum, *Caster* near *Norwich.*
Venta Silurum, *Caer-went* in *Monmouthshire.*
Verlucio, *Warminster* in *Wiltshire.*
Vernemetum, Vernometum, Verometum, *Burrow-Hill* in *Leicestershire.*
Verolamium, Virolamium, Verulamium, *Verulam City* near St. *Albans* in *Hertfordshire.*
Verovicum, *Warwick Town.*
Veteleganus pons, *Wheatly-Bridge* near *Oxford.*
Verteræ, *Burgh upon Stanemore* in *Westmorland.*
Vertilingiana via, *Watling-street Way.*
Vexala, *Fuellmouth* in *Somersetshire.*
Vicus Malbanus, *Namptwich* in *Cheshire.*
Vicus saxeus, *Standrop* in the Bishoprick of *Durham.*
Vigornia, *Worcester City.*
Villa Faultini, *St.* Edmundsbury *in* Suffolk.
Vilugiana provincia, *Wiltshire.*
Vinchelsega, Vindagora, *Winchelsey* in *Sussex.*
Vindelis, *Old Winchelsey.*
Vindelisora, *Windsor* in *Berkshire.*
Vindobala, Vindomora, *Walls-end* in *Northumberland.*
Vindogladia, Vindugladia, *Wimburne* in *Dorsetshire.*
Vindolana, *Old Winchester* in *Northumberland.*
Vindonum, Vindonus, *Silceastre* in *Hantshire.*
Vindugleſſus, *Vandeles* in the Bishoprick of *Durham.*
Virconium, Virecium, *Wroxcester* in *Shropshire.*
Viridis sinus, *Greenwich.*
Virosidum, *Werewick upon Eden* near *Carlisle* in *Cumberland.*
Vitrea insula, *Glastonbury* in *Somersetshire.*
Vituli insula, *Selsey.*
Ulmetum, *Elmesly* in *Yorkshire.*
Umber flu. *The River* Humber *in* Yorkshire.
Voldia, *Cotswold* in *Glocestershire.*
Voliba, *Bodmyn.*
Voluba, *Falmouth* in *Cornwall.*
Voluerum domus, *Fulham* in *Middlesex.*
Voreda, *Old Perith* in *Cumberland.*
Univallis, *Forval* in *Yorkshire.*

Usoconna,

A Table of the Names of Places, &c.

Uſoconna,	*Okenyate* in *Shropſhire.*
Uxela,	*Crekehorn-well.*
Uzella,	*Leſtythiell* in *Cornwall.*
Uzela æſtuarium,	*Fuelmouth* in *Somerſetſhire.*

W.

WAkefeldia,	*Wakefield* in *Yorkſhire.*
Waldena,	*Saffron-Walden* in *Eſſex.*
Wallia,	*Wales.*
Wara,	*The Town of* Ware *in* Hertfordſhire.
Warwicana provincia, Warwici Comitat.	*Warwickſhire.*
Wiableia,	*Weobly Town* in *Herefordſhire.*
Wellæ,	*Wells City* in *Somerſetſhire.*
Wentana civitas,	*Winchester City.*
Weſtberia,	*Weſtbury* near *Briſtol.*
Weſtmaria, Weſtmoria, Weſtmorlandia,	*Weſtmorland.*
Weſtmonaſterium,	*Weſtminſter City.*
Wetha,	*The Iſle of Wight* according to *W. Malmsbury.*
Wichcombia,	*Wickham* in *Buckinghamſhire.*
Wichum,	*Wich* in *Worceſterſhire.*
Wiccia,	*Worceſterſhire.*
Wigornia,	*Worceſter City.*
Wiltonia,	*Wiltſhire.*
Wimundhamia	*Wimundham* in *Norfolk.*
Winburna,	*Winburne* in *Dorſetſhire.*
Wincelcumba, Winchelcumba,	*Winchcombe* in *Glouceſterſhire.*
Windeſora, Windleſora, Windeſoria,	*Windſor* in *Berkſhire.*
Witleſia,	*Wittleſey* in *Huntingdonſhire.*

Y.

YArum, Yarenis,	*Yare* in *Yorkſhire.*
Garienus,	*Yare River* in *Norfolk.*
Yarmuthia, Jernmuthia, Garanonum, Garienis oſtium,	*Yarmouth* in *Norfolk.*

if Name of a Place begins with or ends
6 - it signifies that it belonged to some Abbey, or that an Abbey was founded there -
e.g Abington
that some great Battle was fought there - Sax - Wic - Praelium
m — is a House, Village or little Town — Wenham, Stonham, Wickham -
y, lea, ley - an open Field or large Pasture — Rowley, Beverley [Saxon - Leag - Campus
ic - wich, wyke - a Place on y Sea Shore or Bank of a River — in Saxon a Street
village or Dwelling Place - so London wic - y London Town - so
Gipsis wic is Gipps Town or Ipswich - Norwich is North Town -
rd — is a Shallow made by damming up y Water
ea — in Domesday Register signifies only - Land y is arable -
rgh, burh or borough - is derived either from y Saxon Burgh - Oppidum, Castrum, or
from y Gothe Berg. Arx, Saxum
y, bury - Saxon Beorg, a Hill or Castle - is the Hill or Seat of a Nobleman,
a Dwelling House, a Mansion House, a Court or chief Farm
Newbury Aldbury An
- Tun - a Town, Village or Dwelling Place - from y Saxon Dun a Hill, because
anciently they built chiefly on Hills - thus London is Dun Town
, or Bee - a Dwelling Place or Habitation - e.g. Derby - Sax on Bye

burg, borough, bery, bury, Ton, Don, [illegible] are all significative of Towns built
Hills
- near an Abbey
in - where there had been a Battle
Ford - near a Brook dammed up
Ton - among y Arable Land

An Alphabetical TABLE of antient *Surnames*, as they are written in old Records

A.

Henricus de Aldithelcia was the first Lord *Audley.*
de Alneto. Dauney.
de Albo Monasterio. Whitchurch.
de Alta ripa. Dantry.
de Aqua frisca. Freshwater.
Aquapontanus. Bridgwater.
Johannes Avonius. John of Northampton.
Ala Campi. Wingfield.
Aurifaber. Orfeur, an antient Name in *Cumberland.*
de Auco. Owe.
de Alba Marla. Albemarle.
de Aula. Hall.
de Arida Villa. Dryton or Drydon.
de Aureo Vado. Guldeford.
Albericus & Albrea. Aubrey.
de Arcubus. Bowes.
de Albeneio. D'Aubeney, Albiney.
de Adurni portu. Etherington.

B.

Richardus de Benefactis. Benfield.
Blaunpain, al. Blancpain. Whitebread.
de Bosco. Bois.
de Bella fide. Beaufoy.
de Burgo charo. Bourchier.
de Bello loco. Beaulieu.
de Bello foco. Beaufeu.
de Bello Marisco. Beaumarsh.
de Bosco Roardi. Borhard.
de Bello fago. Beaufo.
de Blostevilla. Blovile, Blofeild,
de Bello Campo. Beauchamp.
de Bello monte. Beaumont.
de Bovis villa. Bovil.
de Bella aqua Belley.
de Bello prato. Beaupre.
de Buliaco. Busli, Bussey. One of this Name founded *Blyth-Abby. Anno* 1088.
Benevolus. Benlows.
de Bello situ. Bellasise.
de Bona villa. Bonevil.
de Bono Fossato. Goodrick.

C.

Robertus de Casa Dei. Godshall.
de Chauris & Cadurcis. Chaworth.
de Claro Monte. Clermont.
de Cantilupo. Cantlou.
de Curva Spina. Creithorne.
de Claris vallibus. Clarival.
de Capricuria & de Capreolocuria. Chevercourt.
de Caro loco. Carelieu.
de Campo Arnulphi. Champernoun.
de Crepito corde. Creveceur.
de Cerasso. Cherry.
Cunetius. Kenet.
Cinomannicus. Maine.
de Clivo forti. Clifford.
de Campania. Champneis.
de Columbariis. Columbers.
de Conductu. Chenduit.
de Corvo Spinæ. Crowthorn.
de Casineto & Chaisneto. Chedney, Cheney.
de Campo Florido. Chamfleur. Henry *de Campo Florido* was Sheriff of *Dorsetshire.* 19 *Hen.* 3.
de Capella. Capel.
de Calvo monte. Chaumond.
de Camera. Chambers.
de Clarifagio. Clerfay.
de Cornubia. Cornewayle.
de Castello magno. Castlemain.

D.

Willielmus D'Aynecuria, or *Daincurienfis.* Daincourt.
Drogo. (Sax.) *Drew.*
de David villa. D'aiville, D'eyville.
de Doito, (Fr. *Doet.*) Brooke.
Durchtius. Doughty.
Dispensator. Le Despeneer, Spencer.
de Diva. Dive, Dives.

E.

Tho. de Evolitto, Sheriff of Salop 6 *Johannis.* } Erliche.
de Ebroicis & de Ebrois. D'Evreux.
Easterlingus. Stradling.
Extraneus. L' Estrange.
de Ericeto. Briewer.

F.

Radulphus de Fonte australi. Southwel.
de Fonte limpido. Sherburn.
de Filiceto. Fernham.
de Foliis. Foulis.
Frescoburnus. Freshburne.
de Fluctibus. Flood.
de Fontibus. Welles.
de Fossa nova. Newdike.
de Frisca villa. Fretchevile.
Filius Guidonis. Fitzwith.
de Fonte Ebrardi. Fonteverard.
de Fraxino. Frene, Ashe.
Flavus. Blund, Blount.
de Ferrariis. Ferrers.
de Fago. Beech and Beecher.
de Forti scuto. Forteseu.

G.

Johannes de Grana villa. Grenvile.
de Grentemaisnillo.
de Grosso venatore. Grosvenor.
de Guntheri sylva. Gunter.
Giovanus. Young.

de Gresso monte. Grismond.
de Geneva. Genevil.
de Genisteto. Bromfield.
de Grandi villa. Granvile.

H.

Hosatus & de Hosato. Hose, Hussey.
I have seen *Johannes Usus Mare* in *Latin*, for *John Hussey*.

J.

Johannes de Insula. Lisle.
de Insula bona. Lislebone.
de Insula fontis. Lilburne.
Jodocus. Joice.

K.

Willielmus de Kaineto alias *Caineto* } Keynes.

L.

Ricardus de Longa spata. Longspee.
de Lato campo. Bradfeild.
de Longo campo. Longchamp.
de Longo prato. Longmede.
Lupus. Woolf, Love, Loo.
Lupellus. Lovet, Lovel.
de Laga. Lee, Lea and Leigh.
de Leica & Lecha. Leke.
de Lisoriis. Lizurs, Lisors.
de Logiis. Lodge.
Laurentii filius. Lawson.
de Lato vado. Bradford.

M.

Rogerus de Maneriis. Manners.
de Mineriis. Miners.
de Mariseo. Marsh.
de Malo lacu. Mauley.
de Mortuo mari. Mortimer.
de Monte Canisio. Montchensey.
de Monasteriis. Musters.
de Melsa. Mews.
de Monte Hermerii. Monthermer.
de Monte fixo. Montfichet.
de Monte pessons, & de Monte pessulano. Montpesson, *vulgo* Mompesson.
de Molendinis. Molines.
Monachus. Moigne, Monk.
Malus lupellus. Maulovel, Mallovel.
de Monte Jovis, de Monte gaudii. Montjoy.
de Media villa. Middleton.
de Malo passu. Malpas.
Maleconductus, vel de malo conductu. Malduit.
de Monte alto. Montalt, or Moald.
de Malo leone. Malleon.
de Monte begonis. Montbegon.
Malus leporarius. Maleverer.
de Musco campo. Muschamp.
de Micenis. Meschines.
de Marci vallibus. Martival.
de Meduana. Maine.
de Monte forti. Montfort.
ad Murum. Walton.
Malus catulus. Malchein, *vulgo* Machel.
de Malo visu. Malvisin.

de Mala terra. Mauland.
Medicus. Leech.
Macer. Le Meyre.
de Malis Manibus. Malmains.
de Monte.
de Monte Aquilæ. Mounteagle.
de Monte Revelli.
Magnus Venator. Grosvenor.
de Montibus.

N.

Gilbertus de Nova villa. Nevil.
de Novo mercatu. Newmarch.
de Nodariis. Nowres.
de Novo burgo. Newburgh.
de Nova terra. Newland.

P.

Grimbaldus de pede planco. Pauncefot.
de Puteaco. Pusac, *vulgo* Putsey.
de Pavilidro & Pauliaco. Paveley.
de Pictavia. Peyto.
de Petra ponte. Pierpont, *vul.* Perpoint.
de Peccato. Peche, *vul. Pecke.*
de Palude. Puddle, Marsh.
de Precariis.
de Porcellis. Purcell.
de Praeriis. Praers.
de Parva villa. Littleton.
Parmentarius. Taylor.
de Periis.
de Pulchro Capellitio. Fairfax.
ad Pontem. Paunton.
de Plantageneta. Plantagenet.
Pelliparius. Skinner.
Le Poure. Power.
de Perrariis. Perrers.
de Pascuo lapidoso. Stanley.

Q.

Lernardus de Querceto. Cheney.
de Quinciato. Quiney.

R.

Arnoldus de Rupe forti. Rochfort.
de Rubra Spatha. Rospear, *Rouspee*, Rooper, Roper.
de Redveriis, & de Ripariis. Rivers.
de Rupe. Roche, Rock.
Reginaldus. Reynolds.
de Rubro clivo. Radcliff.
de Rubra manu. Redmain.
de Regencia. Raleigh.
Rufus. Rous.
de Rupe scissa. Cutcliff.
Rotarius. Wheeler.
de Rico Monte. Richmond.

S.

Galfridus de Scalariis. Scales.
de Sancto Mauro. Seymour.
de Sacro fonte. Holybrook.
de Sicca villa. Sackvile.
de Salicosa vena. Salvein.
de Sancto Laudo. Senlo.
de Spineto. Spine.
Sagittarius. Archer.

A TABLE *of antient* SURNAMES.

de Sancta terra. Holyland.
de Sacra quercu. Holyoak.
de Sancta Clara. Senclcer.
de Sancto Medardo. Semark.
de Sancto Amando. St. Amond.
de Sancto Lizio. Senliz, Seyton.
de Sacra fago. Hollebech.
de Sancta Ermina. Armine.
de Sancto Wallerico. St. Wallere.
de Salicosa Mara. Wilmore.
de Stagno. Poole.
de Salchavilla. Salkeld.
de Sancto Vedasto. Foster.
de Stipite sicco. De la Zouch.
de Sancto Leodegario. St. Leger, *vulgo* Sallenger.
de Sancta Barbara. Senbarb, *vulgo* Simberd.
de Sancto Petro. Sampier.
de Sancto Paulo. Sampol.
de Sancto Lupo. Sentlow.
de Santo Martino. Semarton.
de Sancto Gelasio. Singlis.
de Sancto Audoeno. St. Owen.
Super Tysam. Surteys.
de Salso Marisco. Saltmarsh.
de Sacro bosco. Holywood.
de Solariis. Solers.
de Salceto. Saucey.
de Sancto Alemondo. Salmon.
de Saxo ferrato. Ironston, *vulgo* Ironzon.
de Sandwico. Sandwich.
de Saltu Capellæ. Sacheverel.
de Sylva. Weld.

T.

Humfridus de Turpi vado. Fulford.
de Tankardi villa. Tankervile.
de Turbida villa. Turbervile.
Teutonicus. Teys.
de Tulka. Toke, Tuke.
de Tanaia. Tancy.
de parva Turri. Torel, Tirrel.

V.

Petrus de Vallibus. Vaux.
de Veteri ponte. Vipont.
de Valle. Wale.
de Vicariis. Viccars.
de Valle torta. Vautort.
de Villa torta. Croketon.
de Vado boum. Oxford.
de Urtico. Lorti, Lort.
de Vino salvo. Vine Salf.
de Vado saxi. Stanford.
de Veteri aula. Oldhall, Oldham.
de Villariis. Villers.
de Umbrosa quercu. Dimmock.
de Villa Magna. Maudevile.

W.

Martinus de Watelega. Wateley, Wheatley.
Wambarsarius.

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FINIS.

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